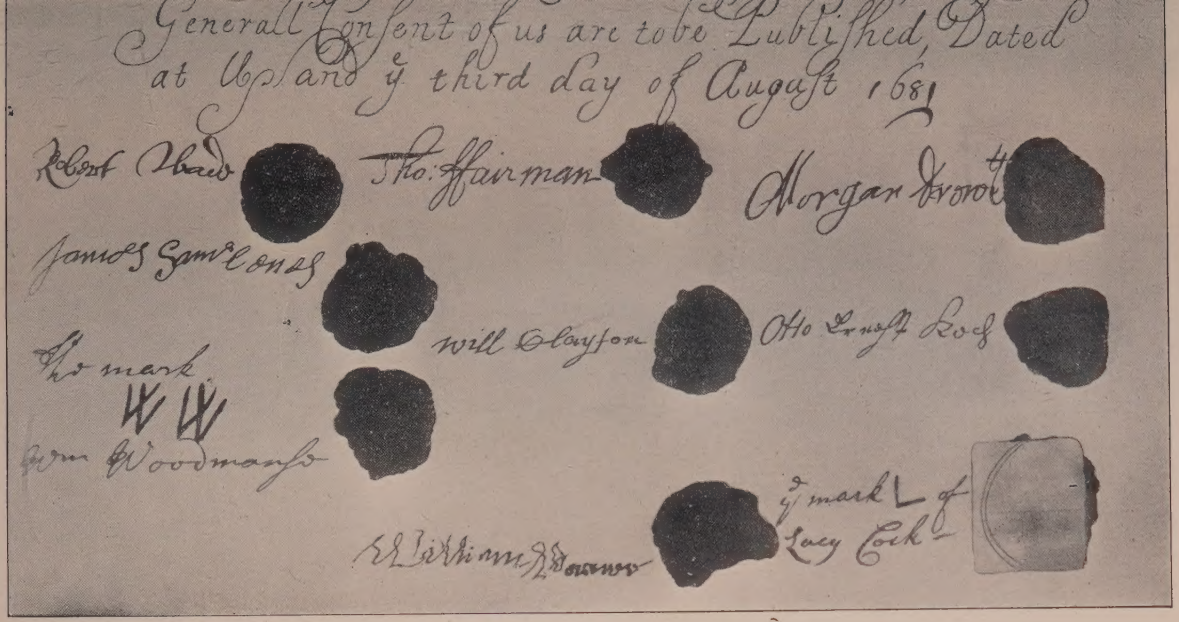
Wheras wee whose hands and Seals are hereunto
sett are Chosen by Wm Markham (agent to
Wm Penn Esqr Proprietor of ye Province of Pensilvañ
to be of the Councell for ye s province, doe hereby
bind our selves by our hand & Seales that, wee neither
act nor advise nor Consent, unto any thing that
shall not be according to our own Consciences the
best for e true and well Government of the



OATH OF OFFICE OF THE FIRST PROVINCIAL COUNCIL.

PENNSYLVANIA ARCHIVES

Fourth Series

EDITED BY

GEORGE EDWARD REED, LL.D.

UNDER THE DIRECTION OF

HON. W. W. GRIEST

SECRETARY OF THE COMMONWEALTH.

VOLUME VI.

PAPERS OF THE GOVERNORS.

1832-1845.

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Geo Wolf

GEORGE WOLF.

Governor of the Commonwealth.

1829-1835.

(CONTINUED.)

PENNSYLVANIA ARCHIVES

Fourth Series.

Chapter I.

GEORGE WOLF.

Governor of the Commonwealth.

1829-1835.

(CONTINUED.)

To the Assembly with Papers from New Jersey Concerning an Alleged Obstruction in the Delaware.

Gentlemen—

I HASTEN TO LAY BEFORE THE TWO HOUSES copies of a communication from the executive of the state of New Jersey, and of certain resolutions adopted by the legislature of that state, accompanying the same, relative to an alleged obstruction of the navigation of the river Delaware, by the erection of a wing dam in the said river, on the Pennsylvania side of the same, near New Hope.

Although obstructions of the navigation of the Delaware river, of a more serious character than that complained of in the communication mentioned, have been placed or authorised to be placed in that river, as well by incorporated companies, deriving their authority from legislative enactments of the state of New Jersey, as by private citizens of that state, to which the assent of this commonwealth has never been ob-

tained, and the erection of the wing dam in question, by the state of Pennsylvania, to supply her canal with water at certain seasons of the year might be justified upon the principles of an equality of rights, possessed by this state with the state of New Jersey in relation to the navigation and the use of the waters of the river Delaware, yet as it is important to both states that the extent of the privileges to be enjoyed by either, in reference to the river in question, should be definitely established and arranged in a spirit of mutual concession, amity and forbearance, it is earnestly recommended that measures be adopted by the legislature of Pennsylvania, as early as possible, to ascertain how far the dam complained of is injurious to the navigation of the river Delaware, and also for the purpose of arranging and establishing the rights and privileges of the respective states to the waters of the Delaware river, and to define the several objects to which they may be applied by the states of New Jersey and Pennsylvania respectively, provided the former shall adopt similar measures for attaining the object last mentioned on her part.

GEO. WOLF.

Harrisburg, February 2, 1832.

Executive Office,
Trenton, N. J., January 28th, 1832.

To His Excellency, George Wolf:

Sir—I have the honor of forwarding to your Excellency an authenticated copy of certain resolutions adopted by the legislature of this state, at their late session in December last, relative to a wing dam, recently erected in the Delaware river, on the Pennsylvania side thereof near New Hope.

In conformity with the authority vested in me by the first resolution, I appoint commissioners to make the proposed ascertainment of facts. The commissioners have made to me a very full and satisfactory report, by which it appears that in the course of last summer and fall, a wing dam has been erected in Wells' falls in the river Delaware, on the Penn-

sylvania side thereof, below and near the town of New Hope, under the direction of one of the assistant engineers of the Pennsylvania canal; and that in erecting said dam the engineer acted by the authority and in pursuance of a resolution of the board of canal commissioners of Pennsylvania of the 6th of May last, directing the creation of a water power to supply the canal with water from the combined locks near New Hope to Bristol, and also that at certain seasons of the year and certain heights of water in said river it does now and from its location and dimensions will probably hereafter materially interfere with and obstruct the free navigation of the river.

Permit me, sir, respectfully to call your attention to this subject so important to the interests of that portion of the citizens of New Jersey concerned in the river trade; and to request that you will give to it an early consideration.

The idea is not entertained that the canal commissioners acting under authority of the state of Pennsylvania, have intentionally erected this dam in such manner, as to obstruct the free navigation of the river, and thereby infringe the rights of New Jersey, on the contrary, it is understood that they expressly directed it to be so constructed as to avoid that result. But as the effect of it is now ascertained to be such as materially to interfere with the navigation, it is confidently hoped that the state of Pennsylvania under whose authority it has been erected, will take prompt and effective measures for its removal.

I have the honor to be
With great respect
Your obedient servant,
P. D. VROOM.

State of New Jersey.

Whereas it has been represented to the Legislature of the State of New Jersey, that a wing dam has been recently erected at or near to "Well's Falls," in the river Delaware, on the Pennsylvania side of the said river, in the vicinity of the town of New Hope, which materially interferes with, and obstructs the free navigation thereof, causing thereby great inconvenience, loss and damage to the citizens of this State, and others navigating said river. And whereas aid and relief have been prayed of this Legislature by petition. Therefore,

Resolved, by the Council and General Assembly of the State of New Jersey, That the Governor of this State be, and he

is hereby authorized and requested to ascertain, without delay, as well as may be by such experts, either by agent or agents, or otherwise, whether any wing or other dam has recently been built and erected at or near to "Wolf Falls" in the river Delaware, on the Pennsylvania shore thereof, near to the town of New Hope, and if so, whether it does now, or from its location and dimensions may probably hereafter, materially interfere with and obstruct the free navigation of the said river, and that he further ascertain in manner aforesaid by whom, and by what authority, and for what purpose, said dam has been erected.

Resolved further, That if it should appear to the Governor, from the information he may obtain under the preceding resolution, that the said wing or other dam has been built at or near the place aforesaid and that it now does or probably will hereafter materially obstruct the free navigation of the said river Delaware, that then and in that case he do, without delay, call the attention of the Executive of the State of Pennsylvania to the subject and request his co-operation in removing said obstruction, and that he do use any and every other means within his power under the existing laws of this State and treaties with Pennsylvania to have said dam removed, and abated as a nuisance.

To the Assembly Transmitting the Annual Financial Statement of Dickinson College.

Gentlemen—

I HEREWITH TRANSMIT TO THE LEGISLature copies of the annual financial statement of the trustees of Dickinson College, at Carlisle, as received this day from a committee of that body.

GEO. WOLF.

Harrisburg, February 9th, 1831.

Carlisle, February 8th, 1832.

To His Excellency, the Governor of Pennsylvania:

Sir—In pursuance of the act of the General Assembly of this commonwealth, entitled "An act supplementary to an act entitled An act for the establishment of a college at the bor-

ough of Carlisle, in the county of Cumberland, in the state of Pennsylvania," passed 13th April, 1826, the trustees of Dickinson college have the honor to render to your excellency a statement shewing the way and manner in which they have expended the sum of $3,000, received by them under that act, on the 1st day of January, A. D. 1831, to be by you laid before the legislature.

We have the honor to be your Excellency's obedient servant,

CHAS. B. PENROSE,
FRED. WATTS,
Committee of the board of trustees of Dickinson college.

Statement exhibiting the way and manner in which the state's annuity of $3,000 has been expended, containing the account current of Dickinson College, from October, 1830, to October, 1831.

Dr.

To balance in treasury 17th October, 1830, ...	$811 37
Tuition of students from 1st November, 1830, to September, 1831, ...	1,125 25
1st January, 1830, state's annuity, ...	3,000 00
26th July, 1831, cash note discounted in Carlisle bank, ...	197 87
	$5,134 49

Cr.

26th April, 1831. By cash paid interest on old debt due Carlisle bank, ...	$120 00
October, 1831. Do. do. Janitor's wages for year ending October, 1831, ...	110 00
Do. do. contingent expenses including repairs of college edifice, insurance thereon, fuel, &c., for year ending October, 1831, ...	177 06
3d May, 1831. Do. do. note to Carlisle bank, ...	1,348 40
Do. do. professor's salaries, for year ending October, 1831, ...	3,300 75
Do. do. Treasurer's commission,	50 56
October, 1831. By balance in treasury, ...	27 72
	$5,134 49

To the Assembly with Regard to Certain Injuries to the Western Division of the Pennsylvania Canal by Freshets.

Gentlemen:—

I HASTEN TO LAY BEFORE YOU COPIES OF A communication received from the president of the board of canal commissioners, accompanied by a report of the engineer employed upon the Western division of the Pennsylvania canal, detailing the extent of injury done to the public works in that quarter, by the late freshets; and containing an estimate of the sum required to repair damages, and for putting that division of the canal in navigable order. Permit me to invite the early attention of the legislature to the urgent request contained in the letter of Mr. Clarke, and to unite with him in respectfully asking that funds be provided, without delay, for the objects mentioned in his communication.

GEO. WOLF.

Harrisburg, February 27th, 1832.

Blairsville, February 21, 1832.

His Excellency George Wolf, Governor of Pennsylvania:

Sir—I have just returned to this place from a tour of inspection along the Western division of the Pennsylvania canal; in company with Mr. Welch, the engineer of the line. We passed over the line for the purpose of ascertaining the damage that has recently been done to the public works by the greatest freshet that has occurred in the Conemaugh, Kiskiminetas and Allegheny rivers since the first settlement of this country. Enclosed I send you the report of the engineer, detailing the extent of injury done to the canal and its works. In which he estimates the whole amount of damage by the flood at $55,174; being the sum required to restore the canal to the same condition in which it was previous to the freshet. But to construct the works at the dams so substantial as to ensure their safety against a similar irruption, to erect some necessary new works, to remove hill slips, and to put the whole canal in good order for navigation, has been by him estimated to require $67,374. The principal breaches in the

canal are at and between Saltsville and Leechburg, over a distance of 37 miles. The Ligonier line, at most long has sustained very little injury, and the line from Leechburg to Pittsburg, 34 miles has suffered but an inconsiderable amount of damage; while the wooden structure of all the dams on the Conemaugh and Kiskiminetas (not in numbers) have withstood the breaking up of the ice and the pressure of the late tremendous flood, unmoved and but slightly injured. The great Leechburg dam, which has been the source of much solicitude and no little misrepresentation, is believed to be a substantial and permanent structure. Should the legislature make immediate provision for repairs, and the spring prove favourable, the navigation of the Western division may be resumed by the first day of May next. In conclusion, I must respectfully, but earnestly, urge the necessity of funds being provided without delay. The superintendents on the Western division have been for three months past without funds, and even to secure the Leechburg dam and toll, they had to incur heavy debts, which they have no means of discharging.

With great respect, I am,
Your obedient servant,
JAMES CLARKE,
Canal Commissioner.

Blairsville, February 21st, 1832.,

To James Clarke, Esq., President of the Board of Canal Commissioners:

Sir—I have the honor to submit, for the information of the board, an estimate of the cost of repairing and putting in order for navigation, the Western division of the Pennsylvania canal.

The amount stated below, includes the expense of extending the wier of the dam at Blairsville one hundred and fifty feet, and the dam at Leechburg seventy feet; the expense of raising the guard locks and abutments at all the dams on the Kiskiminetas and Conemaugh, and Kiskiminetas lines, to such a height, as will secure them against injury by a rise in the river of thirty feet; also, the ordinary repairs. The expense of the new work and ordinary repairs, is estimated at $22,000.

The Ligonier line, extending from the basin at Johnstown, to the head of the pool of dam No. 1, near Blairsville, has sustained no injury of consequence by the late flood. The expense of putting this part of the canal in order for navigation, including the ordinary repairs, is estimated at $400.

Kiskiminetas and Conemaugh Line.—The embankment between the west end of dam No. 5, and the high ground, is carried away, and the river now flows through the breach. The head of the guard lock was partially undermined, and about one hundred and fifty perches of the masonry has fallen down. The remainder of the lock is not injured. The towing path along the pool is considerably injured, and the canal below the guard lock is partly carried away, on a distance of about one hundred and fifty perches. Below this point, and above lock No. 16, there are four small breaches through the towing path. The water of the river overflowed the upper end of the level between locks No. 16 and 15, and the current in the canal has slightly abraded the banks. Towards the lower end of this level there are two small breaches through the towing path. Below lock No. 15, the water of the river covered the towing path to the depth of seven or eight feet, and the strong current which in this place bears against the canal, has injured the later considerably, on a distance of about three-fourths of a mile; below this and above lock No. 14, there are two small breaches through the bank. Along the bluff between lock No. 14, and the village of Livermore, the canal is considerably injured; at one point the towing path is all carried away on a distance of six hundred feet. Between the village of Livermore and the head of the pool of dam No 4, there are three or four small breaches. The towing path along the pool of dam No. 4, is slightly abraded in several places, and at one point it is partly washed away, on a distance of between three and four hundred feet. The north abutment of dam No. 4 is carried away; also, a part of the embankment of the guard lock on the opposite side. The dam and guard lock are not injured. The injury sustained at this point would not have interrupted the navigation, had the canal been in use. From dam No. 4 to the head of the pool of dam No. 3, the canal is comparatively but little injured. The level between locks No. 10 and 9, has sustained the most damage. The towing path along the pool of Dam No. 3 is considerably washed or abraded at several points, but the repairs will not be expensive. The expense of putting this line in order for navigation, including the ordinary repairs, is estimated at $16,059.

Kiskiminetas Line—Dam No. 3.—The guard lock at this dam is connected with a lift lock; all the walls of the former, above the lower gates are carried away. The lift lock does not appear to be injured. The embankment on each side of

the guard lock is carried into the boat channel, below the lift-lock, and must be removed before the opening of the navigation. The water passed over and around the abutment on the south side of the river, but without doing any serious injury. The dam is safe. A new guard lock and a new abutment are required at this dam. The towing path between dams No. 3 and 2 is considerably damaged. The abutment and one side of the guard lock at dam No. 2 are carried away; also, the embankment between the dam and guard lock. The dam is not injured. The canal below the guard lock is principally washed away, on a distance of about one thousand feet, and below this it is considerably injured. The towing path along the pool of dam No. 1 (Leechburg), requires repairs to a considerable extent. At dam No. 1 the guard lock and abutment connected with it are carried away, and the end of the dam adjoining the abutment is partially undermined. The dam is otherwise not injured. The river passes through the breach. A new guard lock and a new abutment are required at this point, and the wier of the dam should be extended about seventy feet. The canal below the guard lock is principally washed away, on a distance of twelve hundred feet below this point, and between it and the large aqueduct there are three small breaches through the towing path bank. The expense of putting this line in order for navigation, including ordinary repairs, is estimated at $46,415.

Allegheny and Pine Creek Lines, Including the Aqueduct over the Allegheny River at Pittsburg.—One of the arches of the aqueduct over the Allegheny river at the mouth of the Kiskiminetas, is badly broken by the ice and floating timber; a new arch will be required. Two of the piers are considerably battered. The aqueduct is otherwise but little injured. The trunk of the aqueduct over the Buffalo creek is raised from the piers and abutments, and the walls are slightly injured. The other small aqueducts on the Allegheny line have sustained no damage. The aqueduct over the Allegheny river at Pittsburg is slightly injured, some of the lower timbers in the arches are broken and displaced. There are a few small breaches in the embankment along the Allegheny line, these can be repaired in a short time and at an expense not exceeding five hundred dollars. The hillslips on this line continue to be troublesome and the expense of removing these constitutes a large item in the estimated cost of repairs. The expense of putting this line in order for navigation including the ordinary repairs is estimated at $4,500.

Recapitulation.

Ligonier line,	$400
Kiskiminetas and Conemaugh line,	16,059
Kiskiminetas line,	46,415
Allegheny and Pine Creek line,	4,500
Estimated cost of repairing the canal,	67,374
Deduct cost of new work and ordinary repairs,	12,200
Estimated amount of damage by the late flood,	$55,174

From the best observations that can be made, the water in the ordinary channel of the river, between the mouth of Blacklick and the village of Leechburg, where it was unobstructed by dams rose from twenty-four to twenty-eight feet above the plane of low water.

It is proposed to raise the guard locks and dam abutments, between these two points, high enough to render them secure from injury by a flood of thirty feet rise in the ordinary channel, or about sixteen feet on the wier of the dams.

Respectfully submitted,

SYLVESTER WELCH, Engineer.

To the Assembly with Resolutions of the Indiana Legislature Urging more Comprehensive Pension Legislation for the Veterans of the Revolution.

Gentlemen—

I HAVE THE HONOR TO SUBMIT FOR YOUR consideration, copies of a communication received from the Governor of the State of Indiana, and of certain resolutions adopted by the Legislature of that State, instructing their senators and requesting their representatives in Congress to use their exertions to procure the passage of a law providing for a more perfect and uniform organization of the Militia of the several States of the Union; and also to use all

honorable means to obtain the passage of a law awarding a liberal and ample compensation to all such surviving officers and soldiers of the revolution to whom the pension laws of the United States do not extend, but who bore arms in defence of their country from the commencement of hostilities, in 1775, to the close of the war; whether of the continental line, state line, or militia, under such regulations as the wisdom of Congress may think it expedient to adopt.

GEO: WOLF.

Harrisburg, February 28, 1832.

Executive Department,
Indianapolis, Feb. 8, 1832.

Sir—The resolutions I have the honor herewith to enclose, are transmitted in compliance with a request of the Legislature of Indiana.

With great respect,
I have the honor to be,
Your most obedient servant,
N. NOBLE.

Addressed,
To the Governor of Pennsylvania.

A Joint Resolution

Relative to a more perfect organization of the Militia of the Several States.

Be it resolved by the General Assembly of the State of Indiana, That our senators in congress be and they are hereby instructed, and our representatives requested to use their exertions, both by their votes and influence, to procure the passage of a law providing for a more perfect and uniform organization of the Militia of the several States of the Union, in pursuance of the constitution of the United States.

Resolved, That his Excellency the Governor of this State be directed to transmit to each of our senators and representatives in congress a copy of the foregoing resolution; also a copy to the Governors of other states in the Union, with a view that the same may be submitted to the consideration of their respective legislatures.

To the Assembly with the Report of the Engineer Employed to Ascertain the Practicability of Changing the Line of the Columbia and Philadelphia Railroad so as to Run Through the Business Part of the City of Lancaster.

Gentlemen:—

I HASTEN TO LAY BEFORE YOU COPIES OF A communication of the President of the board of canal commissioners, and of a report of Moncure Robinson, the engineer employed, in pursuance of a resolution of the Legislature of the seventh of February last, to make a survey on the Columbia and Philadelphia rail road between the big and little Conestoga bridges, for the purpose of ascertaining the practicability of changing the present location of the road, so as to pass through the business part of the city of Lancaster.

GEORGE WOLF.

Harrisburg, March 9th, 1832.

Canal Commissioners' Room,
March 8th, 1832.

His Excellency George Wolf:

Sir—In obedience to the resolution of the Legislature, dated the 7th February, 1822, directing a survey to be made on the Columbia and Philadelphia rail road between the big and little Conestoga bridges, for the purpose of ascertaining the practicability of changing the present location of the road, so as to pass through the business part of the city of Lancaster, I have the honor to report.

That in compliance with the said resolution, the board appointed Moncure Robinson, Esq., an experienced and skilful engineer, who had not been employed upon the rail road to make the required survey and estimate. The corporation of the city of Lancaster having engaged to pay the expenses of the same.

The enclosed is the report of the survey and estimate of the engineer, received this day, which I hasten to transmit to your excellency, in order that they may be laid before the Legislature, as directed by the said resolution.

I am yours respectfully,

JAMES CLARKE,
Pres't. Board Canal Comm'rs.

To the Board of Canal Commissioners of the State of Pennsylvania:

Gentlemen—The resolution of your board of the 9th ult. directing further surveys in the neighborhood of Lancaster, presents three subjects of inquiry. 1st The practicability of changing the present location of the Philadelphia and Columbia rail road between the big and little Conestoga bridges, so that it may pass through the business part of the city of Lancaster. 2d. The cost and amount of damages which such change would incur. And 3d. The time required to make the alteration.

It might be sufficient in reference to the first point to state, that the object in question is practicable. It is presumed, however, that the resolution of the board had reference to the practicability of effecting the proposed change without material detriment to the line of the Philadelphia and Columbia rail road. In this view of the subject, it is deemed proper to present to the board such facts in relation to the matter as appear pertinent.

The business part of the city of Lancaster is situated on the south west slope of an unbroken ridge which crosses the tract of country between the big and little Conestoga creeks. It is obvious that to change the rail road between the big and little Conestoga bridges in such a manner as to reach the business part of the town, it is necessary to diverge from the line as located, so as to pass this ridge into the city and afterwards to re-cross it in leaving. It will be inferred by the board that such a line could not be traced without encountering a higher summit, expensive excavation in crossing and re-crossing the ridge, as well as an increase of length in the line.

Very full explorations were made in the neighborhood of Lancaster, with the view of ascertaining any facilities or favourable features which the country might present; and afterwards, such a line was traced as seemed on the view taken most advantageous. It is possible that this line might in some of its details be improved, but it is not believed that it could be materially so; as traced on the ground it may be described as follows:

Beginning at the big Conestoga bridge and following the line of rail way as executed, as far as Hardwick bridge, but rising at a graduation of twenty-nine feet per mile, it attains the western abutment of this bridge at an elevation eight feet and seven tenths higher. It then deflects to the left and passes

behind Mrs. Detricks and Captain Michaels, within a short distance of the New Holland turnpike, which it crosses between its intersections with Lime and Shippen streets. It afterwards passes through Muhlenburg and Long's orchard, pursuing a direction approaching Chestnut street, and crosses North Queen street, within eighty-six feet of the same. At this point it bends to the right, crossing Princes street, midway between Chestnut and Walnut. Walnut street near its intersection with Water and James street, near the angle formed by this street and one of the city alleys. From this point (after crossing the turnpike), it pursues a course between the turnpike and the located line of the Philadelphia and Columbia railroad, which it gradually approaches, and with which it connects within thirty-six poles of the little Conestoga bridge, thence to the bridge the located line of rail road would be raised so as to conform to a graduation of twenty-seven and a half feet per mile.

The length of the line above described would be four miles and forty-seven poles, that of the line as located and graded, three miles and one hundred and seventy-eight poles, making a difference of distance against the line through Lancaster of one hundred and eighty-nine poles.

The increased cost of executing a line of rail road on the tract above described, would embrace the following items:

Embankment between big Conestoga and Hardwick bridges and at Hardwick Run, 27,191 cubic yards, at 14 cents, ...	$3,806 74
Culvert at Hardwick Run, 820 perches of masonry at $1.70 per perch. Foundation, including materials, $300, ...	1,694 00
Embankment west of Hardwick Run, 20,656 cubic yards, at 14 cents, ...	2,891 84
Excavation of ridge behind Mrs. Detrick's and Captain Michaels', 4,688 cubic yards, at 10 cents, ...	468 80
Embankment beyond Mrs. Detrick's and Captain Michaels', 3,614 cubic yards, at 12 cents, ...	433 68
Deep Cut ending at Queen street.	
Earth excavation, 83,773 cubic yards, at 16 cents,	13,403 68
Rock excavation, 38,792 cubic yards, at 75 cents,	29,094 00
Remaining excavation between Queen street and Little Conestogo Bridge.	
43,592 cubic yards of earth, at 10 cents, ...	4,359 20
1,550 cubic yards of rock, at 50 cents, ...	775 00

Embankment, 39,660 cubic yards, at 12 cents,..	4,759 20
10 dry stone drains, at $50 each, ...	500 00
Bridges and causeways at crossings of streets and alleys, ...	11,750 00
Removal of material of superstructure delivered on graded line of rail road, ...	1,400 00
Cost of laying superstructure of 189 poles of double track rail road (being difference between graded road and line through Lancaster), at $17,380 per mile, ...	10,265 00
	$85,601 20
Add for superintendence and contingencies 8 per cent., ...	6,848 09
Total expense of change, ...	$92,449 29

It may be proper to remark that in the above estimate an allowance is made in the road way formation for an extra width of 13 feet in the rail road surface in the city of Lancaster, between Lime street and James street. This extra width is required for an additional track which will be indispensable for the accommodation of the city, and to avoid the necessity of inserting turning platforms or swivels in the regular line of rail road, in order to connect with any branches which may be laid down in streets, an addition of 2 feet has also been made in the deep cut between station 37 and North Queen street, in order to admit of some increased width of drains in this distance.

The prices of the above estimate are believed to be sufficient for the execution of the work, and some of them, those of the rock cutting and excavation in the cut ending at Queen street, will probably appear high. It is to be recollected that a large part of the materials excavated on this portion of the road way must be transported a considerable distance in order to avoid the erection of spoil banks on valuable adjacent property, and though the rock of Lancaster is not generally expensive, that every hard rock becomes so which is to be quarried in a cut of considerable depth, and when the rock, as must be the case in a portion of the deep cutting, is disadvantageously encountered. In regard to the amount of damages which might be incurred by changing the line of the railroad, I can form, of course, only a very loose conjecture. It is due, however, to the board to state, that it would, in my

opinion, be very considerable. The buildings to be removed, although twelve or fourteen in number, would not be of much value, but the road would necessarily cut most of the lots through which it would pass by either a diagonal or curved line, and the depth of the cut between the New Holland turnpike and Lime street (at one point 35 feet), would make it necessary, unless it were faced with walls on each side, to occupy a considerable space of ground in this distance.

It remains to add on the third point referred to me by the board, that the work of grading the proposed rail road might be accomplished during the ensuing spring and summer, with the exception of the thorough cut above mentioned, through Lancaster. This must necessarily be tedious if worked economically, and could scarcely, I should think, be accomplished in less than ten or twelve months.

All which is respectfully submitted,

MONCURE ROBINSON, C. E.

Harrisburg, March 8th, 1832.

To the Assembly with Regard to the Request of the State of Maryland in relation to Certain Alleged Obstructions in the Susquehanna.

Gentlemen—

I HAVE RECEIVED FROM THE EXECUTIVE OF the state of Maryland a communication enclosing a resolution of the legislature of that state requesting that measures may be taken to prevent the re-construction or repair of the Muncy and Shamokin dams in the Susquehanna river in this state, copies of which are herewith transmitted for your consideration.

GEO. WOLF.

Harrisburg, March 12th, 1832.

Executive Department,
Annapolis, March 7th, 1832.

Sir—In the performance of the duty enjoined by the enclosed resolution, I deem it due to the friendly relations subsisting

between the states over which we respectively preside, to invite the attention of the constituted authorities of Pennsylvania to the subject matter of the resolution, which I respectfully request that your Excellency will submit to the legislature of Pennsylvania for its consideration. And I ask leave to suggest the appointment of commissioners on the part of each state, respectively, with full powers to negotiate upon the subject, and to express the hope, that pending the negotiation, Pennsylvania will forbear to authorise, and, if necessary, forbid the re-construction of the works complained of, which have recently been carried away.

With the highest consideration,
I have the honor to be,
Your Excellency's
Most obedient servant,
GEO. HOWARD.

His Excellency Geo. Wolf, Governor of Pennsylvania.

By the House of Delegates,
February 2d, 1832.

Resolved, by the General Assembly of Maryland, That his Excellency the Governor be, and he is hereby requested forthwith to take such measures as he, by and with the advice and consent of the Council, may deem expedient to prevent the reconstruction or repair of the Muncy and Shamokin dams in the Susquehanna river, state of Pennsylvania, which obstructions to the free navigation of said river have been recently carried away.

To the Assembly vetoing "An Act Relative to the Pennsylvania Canals and Rail Roads."

Gentlemen:—

THE BILL ENTITLED "AN ACT RELATIVE TO the Pennsylvania canals and rail-roads," was presented late in the afternoon of yesterday, for my approval; and much as I regret that it does not embrace within its provisions, all the interests that in my opinion ought, in the progress of its enactment, to have entered into the consideration of the legislature

and been provided for, yet as it provides for the prosecution of objects of internal improvement, the completion of which are of vital interest to the commonwealth, and the abandonment of which at this time, would be destructive of its best interests, I have, upon due consideration of all the circumstances, come to the conclusion, that although the bill in its provisions falls far short of what its friends could have desired, yet that public policy requires that it should be approved and signed, which has been done, and the Secretary has been directed to return it to the House of Representatives in which it originated.

But although this bill has now become a law, the reasonable, and I trust, the well grounded hope is nevertheless indulged, that the representatives of the people now assembled, will not separate until justice shall, at least, have been so far done as to relieve the people of the North and West Branches of the Susquehanna, and those on the Beaver and French creeks, along which extensive public improvements have been commenced, from the ruinous and deplorable condition in which the legislation of the State, should it stop at the point where the present bill leaves it, will have placed them.

The 5th section of the act of 21st March, 1831, directs in imperative language that the canal commissioners shall extend without delay, by canal and slack water navigation, the West Branch division of the Pennsylvania canal; the Lewisburg cross-cut; the North Branch division of the Pennsylvania canal; and that they shall make a canal or slackwater navigation from the Ohio river at the mouth of the Big Beaver, and up that creek to the town of New Castle. The several points from and to which the improvements are to be extended or made, are clearly designated, and the specific appropriations made for carrying on the several works are declared to be for or towards the expenses of their

construction for that year. From the phraseology of the section just referred to, it is abundantly manifest, that the legislature of 1831 did not entertain the opinion that the sums appropriated to complete the several works to which they were to be applied, would be sufficient for that object, and it certainly could not have entered their minds that the act of legislation, which they designed for wise and valuable purposes, should operate upon the citizens to be affected by it as a snare, by inducing them, in consequence of the prospects held out by its provisions, to enter into contracts requiring extensive preparations and the expenditure of large sums of money to enable those engaged in them to carry them successfully into effect, and to permit (which under the circumstances they dare not resist,) their valuable farms to be entered upon, extensive excavations to be made, ditches to be dug, and fences to be destroyed, to the manifest ruin and destruction of much valuable property, and to the great damage of its owners; nor would it be doing justice to that enlightened body even to suppose that they entertained the remotest idea, that after the expenditure of the sums appropriated by them, the works would be abandoned in their unfinished state, and the good citizens through whose grounds they pass left to mourn over their mutilated and ruined property.

That legislation cannot be just, which, to save the public purse would work individual ruin; nor will it redound to the honor of the State or to its character for justice to wink at the destruction of individual rights and interests occasioned by its own acts, and refuse redress because it may not be entirely convenient, at the moment, to yield to it. If the legislation of the last session, did not pledge the faith of the Commonwealth, that the works contemplated by it, should be completed without delay, it at least afforded strong ground for public confidence that the constituted au-

thorities of the State would not suffer the works commenced under the authority of law to languish at the expense of great individual sacrifice and individual ruin.

Satisfied as I am, that the rights, the interests and the property of the humblest individual within this Commonwealth, are to be equally watched over and guarded by those in authority with the interests of the state itself; and believing as I do, that a wise economy and sound policy require at our hands, that provision should be made for the relief of those of our fellow citizens whose condition must otherwise be deplorable, I have felt myself called upon to submit the few crude remarks contained in this message for the consideration of the legislature, and to ask permission to urge upon it the strong claims which the citizens concerned, in my opinion, have to its magnanimity as well as to its justice.

GEO. WOLF.

Harrisburg, March 30th, 1832.

To the Assembly Transmitting the Annual Report of the Adjutant General.

Gentlemen:—

I HEREWITH TRANSMIT COPIES OF THE ANnual report and statement of the Adjutant General, exhibiting the strength of the militia and volunteers, as well as the situation of the military property of the commonwealth.

GEO. WOLF.

Harrisburg, April 4th, 1832.

Adjutant General's Office,
Harrisburg, April 2d, 1832.

To His Excellency George Wolf, Commander in Chief of the Militia of the Commonwealth:

Sir—In obedience to law, I have the honour herewith to transmit to your Excellency a detailed report, in which is designated the number of militia in each brigade and regiment in the commonwealth, and the number and kind of volunteer corps attached to the same, respectively, together with such information relative to the military property of the state, as the annual reports of the subordinate officers have enabled me to furnish.

The reports from this department being required to be made annually, must necessarily present much sameness. A few words will suffice to point out the variation in the strength of the military force, from the statement of the last year. The whole number of militia and volunteers now reported, is 194,491, exceeding that of the last report 12,211. The increase of volunteers alone, during the same time, is 1,622.

Accompanying the statement, I transmit an account of the sales of certain public property, made under the provisions of the seventh section of the act of the 14th April, 1827, together with an account of repairs made to the state arsenals, under the authority of the same section. A balance of $95.87½ it will be perceived remains in my hands. Vouchers for the payments under this head are enclosed.

The distribution of the books of discipline, mentioned in the last report from this department, is still being made. The loss at sea of the books shipped by the publishers at Boston (by order of the Secretary of War), has not yet been supplied.

I cannot close this official communication without adverting to the fact, that the Inspectors of the several brigades have during the past year, to the fullest extent, complied with the provisions of the laws in making their reports, and in the collection and care of the public arms and military property. In acting thus, it is true that the officers alluded to have only performed their duty, but I indulge myself in the gratification of this honorable mention of the promptness with which in the present instance it has been done, without the occurrence of a single delinquency.

I have the honor to be,
Very respectfully,
Your obedient servant,
SAMUEL POWER,
Adj't. Gen'l. P. M.

To the Assembly Transmitting an Act of Congress Reapportioning the Representatives among the States.

Gentlemen—

I HAVE RECEIVED A COPY OF AN ACT OF CONgress, entitled An act for the apportionment of Representatives among the several states, according to the fifth census, passed the twenty-second day of the present month, duly authenticated. As the duty will devolve upon you to re-organize the districts for electing representatives to represent this state in the Congress of the United States, in accordance with the provisions of that act, I hasten to cause copies of the same to be laid before you, in order that you may be enabled to proceed without delay to the discharge of that important duty.

GEO. WOLF.

Harrisburg, May 29th, 1832.

AN ACT FOR THE APPORTIONMENT OF REPRESENTATIVES AMONG THE SEVERAL STATES, ACCORDING TO THE FIFTH CENSUS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March, one thousand eight hundred and thirty-three, the House of Representatives shall be composed of members elected agreeably to a ratio of one representative for every forty-seven thousand and seven hundred persons in each state, computed according to the rule prescribed by the constitution of the United States, that is to say, within the state of Maine, eight: within the state of New Hampshire, five: within the state of Massachusetts, twelve; within the state of Rhode Island, two: within the state of Connecticut, six: within the state of Vermont, five; within the state of New York, forty: within the state of New Jersey, six: within the state of Pennsylvania, twenty-eight; within the state of Delaware, one; within the state of Maryland, eight: within the state of Virginia, twenty-one: within the state of North Carolina, thirteen; within the state of South Carolina, nine; within the state of Georgia, nine; within the

state of Kentucky, thirteen; within the state of Tennessee, thirteen; within the state of Ohio, nineteen; within the state of Indiana, seven; within the state of Mississippi, two; within the state of Illinois, three; within the state of Louisiana, three; within the state of Missouri, two; within the state of Alabama, five.

A. STEVENSON,
Speaker of the House of Representatives.
J. C. CALHOUN,
Vice President of the United States, and President of the Senate.

Approved, May 22d, 1832.
ANDREW JACKSON.

To the Assembly with regard to the Receipt of a Legacy from Stephen Girard "for the Purposes of Internal Improvement by Canal Navigation."

Gentlemen:—

I HEREWITH TRANSMIT COPIES OF THE CORrespondence between the executors of the estate of the late Stephen Girard and the State Treasurer, from which it will appear that the legacy of three hundred thousand dollars, bequeathed to the Commonwealth of Pennsylvania, by that patriotic citizen, "for the purpose of internal improvement by canal navigation," was deposited to the credit of the Commonwealth on the 20th of April last, and is now at the disposal of the Legislature.

GEO. WOLF.

Harrisburg, May 31, 1832.

Treasury Office of Pennsylvania,
May 30th, 1832.

To His Excellency, George Wolf, Governor of Pennsylvania:

Sir—Agreeably to your verbal request this day, I have the honor herewith to transmit to you copies of the documents and correspondence between the State Treasurer and the ex-

ecutors of the late Stephen Girard, on file in this office, relative to the receipt into the treasury of the bequest of three hundred thousand dollars, made by said deceased to the Commonwealth, for the purposes of internal improvement, by canal navigation. A receipt, as requested by Mr. Duane in his letter of the 20th ultimo, was signed and forwarded, a copy of which has not been preserved, it however corresponded in substance with the certificate of deposit accompanying this communication.

Very respectfully,
Your ob't serv't.,
A. MAHON,
State Treasurer.

Philadelphia, April 7, 1832.

Sir—When I was at Harrisburg early in the present week, at an interview with the Governor, the subject of the late Mr. Girard's bequest to the commonwealth, of three hundred thousand dollars, was mentioned; the Governor said that he would speak to you, in relation to the manner in which the money should be paid. Presuming that arrangements for payment will be made, I beg leave to enquire whether you desire that the money should be taken to the Treasury at Harrisburg, or whether you will send an agent to this place authorised to receive it? Should you send an agent, or prefer that course, please to advise me before you send him, so that I may let you know the time at which he may find all things here in readiness.

Very respectfully,
Your obedient servant,
W. J. DUANE,
For Executors.

A Mahon, Esq., Treasurer.

Treasury Office of Pennsylvania.
April 12th, 1832.

Sir—Yours of the 7th inst. has been received, informing that the executors of Stephen Girard, deceased, are about making arrangements to pay the bequest of three hundred thousand dollars, made by the said deceased to the commonwealth. The severe illness of the Governor since the receipt of your letter, which still continues, precluding altogether an interview with him on official business, will, I hope, satisfactorily account for the seeming delay in giving you an answer. On reflection, and

consultation with the Secretary of the Commonwealth and Auditor General, I consider it unnecessary to have a personal interview with the Governor on the subject; and would suggest, as a mode of payment, that the executors, when they are prepared to pay, deposit the money in the Bank of Pennsylvania, to the credit of the commonwealth, taking duplicate certificates of deposit, setting out on what account the deposit is made; one of which to be transmitted by mail to this office, the other to be returned by the executors, which, I presume, will constitute to them a voucher; if not, a receipt in addition will be immediately forwarded to the executors. Please furnish the names of the executors to whom the receipt is to be given.

Very respectfully,
Your obedient servant,
A. MAHON.
State Treasurer.

William J. Duane, Esq.

Philadelphia, April 20, 1832.

Sir—According to your directions, given in your letter of the 12th inst., the executors of the late Mr. Stephen Girard have, this day, deposited in the Bank of Pennsylvania, to the credit of the commonwealth of Pennsylvania, the sum of three hundred thousand dollars, bequeathed to the said commonwealth by the said testator, for the purposes of internal improvement by canal navigation; and I now beg leave to send to you, inclosed herein, the certificate of the cashier of the said bank, of the deposit mentioned.

Be so good as to transmit a receipt for the said sum, in the form stated in the enclosed paper, under cover directed to "John A. Barclay, for executors of Stepen Girard, Philadelphia."

Yours respectfully,
W. J. DUANE.

A Mahon, Esq., State Treasurer.

(Duplicate.)

Bank of Pennsylvania,
April 20th, 1832.

"Timothy Paxson, Thomas P. Cope, Joseph Robert, W. J. Duane and John A. Barclay, executors of the late Stephen Girard, have deposited in this bank, to the credit of the commonwealth of Pennsylvania, the sum of three hundred thou-

sand dollars, bequeathed to the said commonwealth by the said Stephen Girard, for the purposes of internal improvement by canal navigation.

J. TROTTER, Cashier."

To the Assembly Concerning the Girard Bank.

Gentlemen—

MEMORIALS, SIGNED BY A NUMBER OF THE citizens of the city and county of Philadelphia, complaining of the manner in which the proceedings of the commissioners appointed to open books for the stock of the Girard Bank were conducted, and requesting the executive to enforce the authority, with which he is by law invested of refusing the letters patent, were received on the second instant, accompanied by the depositions of individuals in support of the allegations contained in the memorials.

The first section of the "act to incorporate the Girard Bank in the city of Philadelphia" contains a proviso "that neither of the commissioners nor any subscriber to the stock, either in his own name or as agent of another, or through the agency of any one, shall be allowed to take more than five shares the first day, ten shares the second day, fifty shares the third; but if all the capital stock shall not be subscribed for on or before the third day, then a subscription for any number of shares remaining unscribed for shall be allowed; and in case of a violation of the foregoing provision and complaint made thereof to the Governor of the commonwealth, the Governor shall forthwith inquire into the truth of said complaint, and if he find the same duly supported, it shall be his duty to withhold the charter of incorporation, &c."

The authority vested in the Governor by the act is, according to my construction of it, limited exclusively

to the act of subscription for the stock, and unless it shall appear that the commissioners or others, subscribing for the stock, did each for himself, or as agent for others, subscribe for more than five shares on the first day, ten shares on the second day, and fifty shares on the third day, the power of the executive to interfere by withholding the charter is at an end. The depositions accompanying the memorials contain no allegation, nor do they disclose a single fact from which it can be inferred that the commissioners or either of them, or any other individual exceeded the number of shares, on either of the days, for which by law they were entitled to subscribe; there has therefore been no case made out under the act for executive interference.

But the depositions do contain allegations, which if true, would seem to present a case proper for legislative enquiry; and being desirous that those who feel themselves aggrieved should have an opportunity afforded them to have the subject of their complaints investigated by the only authority possessing the power to do justice to all parties, I have considered it my duty to transmit to the general assembly the documents exhibiting the causes of complaint in order that, if injustice has been done to individuals or to the public, the proper remedy may be applied. In the mean time the granting of the letters patent will abide the determination of the legislature.

GEO. WOLF.

Harrisburg, June 6, 1832.

Proclamation of a Day of Fasting and Prayer in View of an Epidemic of Asiatic Cholera.

Pennsylvania ss.
[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of **Pennsylvania. By GEORGE** WOLF, Governor of the said Commonwealth.

A PROCLAMATION.

It having pleased the sovereign ruler of the universe in the course of his just and wise providence to visit our beloved country with a desolating Pestilence **denominated the Spas**modic or Asiatic Cholera; and believing that mercy is a distinguishing attribute of the Deity; that he exhibits his strange works of Judgment by the infliction of chastisements upon his creatures, because of their transgressions for the benign purpose of causing them to turn from the evil of their ways and to fly unto him as their sure refuge and rock of their salvation.

And although the propriety of recommending a fast by the civil authority of a State is doubted by some and altogether denied by others: yet when a whole people is threatened with the visitation of the Pestilence that, walketh in darkness, "bearing death and destruction in its train," it becomes the duty of all whether occupying civil or religious stations to arouse their fellow citizens to a sense of their danger and to exhort them as one man to devote themselves in humility and godly fear on a day to be set apart for that purpose to the service of the God of Nations and to unite in common supplication to him in whose hands our lives are, that he would graciously avert from us

the threatened calamity or mitigate its desolating severity.

Under those impressions and in accordance with an intimation of an earnest desire on the part of a respectable number of the reverend clergy of different religious denominations and other devout and well-disposed citizens of this Commonwealth that the Executive of this State would recommend to the people of the same the observance of a day to be set apart as a day of fasting, humiliation and prayer.

I do therefore hereby earnestly recommend to all my fellow citizens within this Commonwealth that laying aside as far as practicable all worldly avocations, they observe Thursday, the ninth day of August next as a day of humiliation, fasting and prayer, imploring the God of Heaven to remit unto us all our iniquities, transgressions and sins, deprecating his merited displeasure, supplicating his mercy, that the hand of the destroying angel may be stayed, that we may be preserved as individuals and as a people from the desolating scourge or that in the midst of deserved wrath he would be pleased to remember our frailty and his unbounded mercy. That he would in tender compassion for his weak and erring creatures mitigate the afflictions he may in his wisdom see fit to lay upon us and prepare us to receive with a becoming temper his righteous award.

And it is further recommended that the good people of this Commonwealth accompany their supplications with the sacrifice of praise and thanksgiving to the father of all mercies that in his infinite goodness he hath hitherto preserved us as spared monuments of his mercy; for having in great loving kindness extended unto us a long continuance of healthful season and for his unremitting goodness in mingling with his judgments many rich blessings both of a spiritual and temporal nature.

Given under my hand and the Great Seal of the State at Harrisburg the seventeenth day of July in the year of our Lord, one thousand eight hundred and thirty-two, and of the Commonwealth the fifty-seventh.

By the Governor.

James Trimble,
Deputy Sec'y.

Proclamation of Reward for the Apprehension of the Murderers of Capt. William Donnelley of Huntingdon County.

Pennsylvania ss.
[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that Capt. William Donelley, a citizen of Morris township, in the county of Huntingdon, in this commonwealth, was on the night of the 22nd inst. atrociously murdered in his own house, by some person or persons unknown: And whereas, the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrator of an offence so heinous, should be brought to speedy and condign punishment—I have therefore thought proper to issue this proclamation, hereby offering a reward

of one hundred dollars to any person or persons who shall apprehend the murderer or murderers within the county of Huntingdon, and secure him or them in the jail of the said county; and the sum of two hundred and fifty dollars, if the said offender or offenders shall be apprehended and secured in the jail of any other county of this Commonwealth, or if he or they shall be apprehended and secured without the limits of this state—which sum or sums are to be paid on the conviction of the perpetrator or perpetrators of the crime aforesaid; And all judges, justices, sheriffs, coroners, constables and other officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alledged perpetrator or perpetrators of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty eighth day of July, in the year of our Lord one thousand eight hundred and thirty two, and of the commonwealth the fifty-seventh.

By the Governor.

James Trimble,
Deputy Secretary.

Proclamation Announcing the Election of Electors of President and Vice President in 1832.

Pennsylvania ss.

[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas it is provided in and by an act of the General Assembly of this Commonwealth entitled "An act to direct the manner, time and places of holding elections for Electors of President and Vice President of the United States," passed on the second day of February in the year one thousand eight hundred and two, and the supplement thereto passed on the twenty-ninth day of March in the year one thousand eight hundred and twenty-four, that the Governor having received the returns of the elections from the Sheriff of the City and County of Philadelphia, and the respective Sheriffs of the several Counties of this Commonwealth, shall enumerate and ascertain the number of votes given for each and every person voted for as an Elector of a President and Vice President of the United States; and thereupon declare by Proclamation the names of the persons so duly elected and chosen; and also that he shall notify the same to the Electors respectively, on or before the last Wednesday in the month of November next after such an election: And whereas it appears by the returns which I have received that Samuel McKean, Christian Garber, Jonathan F.

Knight, William Thomson, Edwin King, Benjamin W. Richards, George W. Smick, John Slaymaker, Oliver Alison, George G. Leiper, Henry Scheetz, Adam Ritscher, William Addam, John Schall, Jacob Kooker, David D. Wagener, William Swetland, William Brindle, Adam Light, George Barnitz, Daniel Sheffer, Frederick Orwan, George McCullough, John Murray, David Gilmore, David Frazier, Patrick Mulvany, James Potter, John Y. Barclay and Wilson Smith are the persons for whom the greatest number of votes were given at the said election held on Friday the second day of November instant. Now therefore I have issued this Proclamation hereby publishing and declaring that the said Samuel McKean, Christian Garber, Jonathan F. Knight, William Thomson, Edward King, Benjamin W. Richards, George W. Smick, John Slaymaker, Oliver Alison, George G. Leiper, Henry Scheetz, Adam Ritscher, William Addam, John Schall, Jacob Kooker, David D. Wagener, William Swetland, William Brindle, Adam Light, George Barnitz, Daniel Sheffer, Frederick Orwan, George McCullough, John Murray, David Gilmore, David Frazier, Patrick Mulvany, James Potter, John Y. Barclay and Wilson Smith are duly elected and chosen Electors of a President and Vice President of the United States to serve at the election in that behalf to be held at the seat of Government of this State (being the borough of Harrisburg in the county of Dauphin) agreeably to the said acts of the General Assembly of this Commonwealth, and the acts of Congress in such case made and provided.

Given under my hand and the Great Seal of the State at Harrisburg the sixteenth day of November in the year of our Lord one thousand eight hundred and thirty-two, and of the Commonwealth the fifty-seventh.

By the Governor.

James Trimble,
Deputy Sec'y.

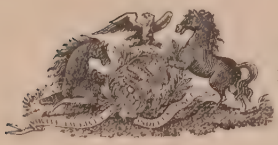
Proclamation announcing the Election of Representatives of Pennsylvania in the Congress of the United States—1832.

Pennsylvania ss.

[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas in and by an act of General Assembly of this Commonwealth entitled, "An act to provide for the Election of Repesentatives of the People of this State in the Congress of the United States," passed June the ninth one thousand eight hundred and thirty-two, it is made the duty of the Governor on the receipt of the returns of the election, held in the several Congressional districts in this Commonwealth, to declare by Proclamation the names of the respective persons returned to him as duly elected in each district: And Whereas the returns of the General Election held on Tuesday the ninth day of October last in and for the several districts for Members to serve in the House of Representatives of the Congress of the United States for the term of two years, from and after the fourth day of March next, have been received in the Office of the Secretary of the Commonwealth agreeably to the provisions of the above recited act, whereby it appears That in the First district composed of East and West Southwark, Moyamensing, Passyunk, Kingsessing, Blockley, Penn township, Germantown, Roxborough and Bristol, in

the county of Philadelphia, Joel B. Sutherland has been duly elected. In the second district composed of the city of Philadelphia, Horace Binney and James Harper have been duly elected: In the third district composed of the residue of the county of Philadelphia, John G. Watmough has been duly elected: In the fourth district composed of the counties of Delaware, Chester and Lancaster, William Hiester, David Potts, Junior, and Edward Darlington have been duly elected: In the Fifth district composed of the county of Montgomery, Joel K. Mann has been duly elected: In the Sixth district composed of the County of Bucks, Robert Ramsey has been duly elected: In the Seventh district composed of the Counties of Northampton, Pike and Wayne, David D. Wagener has been duly elected: In the Eighth district composed of the Counties of Schuylkill and Lehigh, Henry King has been duly elected: In the Ninth district composed of the County of Berks, Henry A. Muhlenberg has been duly elected: In the Tenth district composed of the Counties of Lebanon and Dauphin, William Clark has been duly elected: In the Eleventh district composed of the County of York, Charles A. Barnitz has been duly elected: In the Twelfth district composed of the counties of Adams and Franklin, George Chambers has been duly elected: In the Thirteenth district composed of the counties of Cumberland, Perry and Juniata, Jesse Miller has been duly elected: In the Fourteenth district composed of the counties of Mifflin, Huntingdon and Centre, Joseph Henderson has been duly elected: In the Fifteenth district composed of the counties of Columbia and Luzerne, Andrew Beaumont has been duly elected: In the Sixteenth district composed of the Counties of Union, Northumberland and Lycoming, Joseph B. Anthony has been duly elected: In the Seventeenth district composed of the Counties of Susquehanna, Bradford, Tioga, Potter and McKean, John La-

porte has been duly elected: In the Eighteenth district composed of the Counties of Bedford, Somerset and Cambria, George Burd has been duly elected: In the Nineteenth district composed of the Counties of Westmoreland and Indiana, Richard Coulter has been duly elected: In the Twentieth district composed of the Counties of Fayette and Greene, Andrew Stewart has been duly elected: In the Twenty-first district composed of the County of Washington, Thomas M. T. McKennan has been duly elected: In the Twenty-second district composed of the County of Allegheny, Harmar Denny has been duly elected: In the Twenty-third district composed of the Counties of Clearfield, Jefferson, Armstrong and Butler, Samuel S. Harrison has been duly elected: In the Twenty fourth district composed of the Counties of Beaver and Mercer, John Banks has been duly elected: And in the Twenty fifth district composed of the Counties of Crawford, Erie, Warren and Venango, John Galbraith has been duly elected: Now therefore, I have issued this Proclamation, hereby publishing and declaring that Joel B. Sutherland, Horace Binney, James Harper, John G. Watmough, William Hiester, David Potts Junior, Edward Darlington, Joel B. Mann, Robert Ramsey, David D. Wagener, Henry King, Henry A. Muhlenberg, William Clark, Charles A. Barnitz, George Chambers, Jesse Miller, Joseph Henderson, Andrew Beaumont, Joseph B. Anthony, John Laporte, George Burd, Richard Coulter, Andrew Stewart, Thomas M. T. McKennan, Harmar Denny, Samuel S. Harrison, John Banks, and John Galbraith, have been returned as duly elected in their several Congressional districts, before mentioned as Representatives of the People of this State, in the House of Representatives in the Congress of the United States for the term of two years, to commence from and after the fourth day of March next.

Given under my Hand and the Great Seal of the State at Harrisburg this thirteenth day of December in the year of our Lord one thousand eight hundred and thirty two and of the Commonwealth the fifty seventh.

By the Governor.

Sam. M'Kean, Sec'y.

Proclamation Announcing the Re-election of Governor George Wolf and Continuing his Appointment of all Officers under the Executive for Six Months.

Pennsylvania ss.

[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas the Speaker of the Senate and Speaker of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, have duly certified that the said Speaker of the Senate did on the tenth day of December instant, in the Chamber of the House of Representatives in the State Capitol at Harrisburg, open and publish the returns of the late election of a Governor of the said Commonwealth, in the presence of the Members of both Houses of the Legislature conformably to the Constitution of the said Commonwealth; and that upon counting the votes by a Teller

appointed on the part of each House it appeared that George Wolf, had a majority of votes:

Whereupon the said George Wolf was declared to have been duly elected Governor of the said Commonwealth, and having first taken the oaths of Office, was accordingly on this eighteenth day of December proclaimed Governor thereof.

Now in pursuance of the power and trust to the Governor of this Commonwealth by the Constitution and Laws granted and confided and for preventing all failures in the adminstration of justice, The said George Wolf have deemed it expedient to issue this Proclamation, hereby confirming and continuing all appointments made, and all commissions heretofore lawfully issued for the term of six months from the date of these presents, unless the said appointments and commissions shall be sooner superseded and annulled. And I do further direct and enjoin all public officers engaged in the several departments of the Government to proceed with diligence and fidelity, in the performance and execution of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State at Harrisburg, this eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty two, and of the Commonwealth the fifty seventh.

By the Governor.

Sam. M'Kean, Sec'y.

Annual Message to the Assembly—1832.

IT MUST BE GRATIFYING TO US ALL, FELLOW-Citizens, that, at this annual return of the season appointed for the meeting of the General Assembly, there should be so much cause for mutual con-

gratulation, and for devout gratitude, to the Great Ruler of the universe, for the rich, but unmerited dispensations of his Providence, with which he has been pleased, since your adjournment, to favor us. The Commonwealth never presented a more flourishing aspect, nor has the condition of the people, at any time, been more prosperous. The crops upon which the husbandman had bestowed his labor excited great apprehensions in the spring that he would not be rewarded for his toil; but he "who crowneth the year with his goodness," so tempered the seasons with fertilizing influences, as to cause the momentary alarm to subside, and to enable the farmer to rejoice in the abundant harvest with which his fields were clothed.

The dreadful pestilence, whose death-bearing visitations most of us anticipated with fearful forebodings, having made its appearance in some of our Atlantic cities, and caused great mortality there; exhibited itself also in the metropolis of our own state, where although a number fell victims to its ravages, its destructive course was speedily arrested by the precautions and timely exertions of its active and vigilant Board of Health, its energetic police, and the prudence, temperance, and systematic attention to cleanliness, for which its inhabitants are so peculiarly remarkable; and the number of deaths were comparatively few, in proportion to its numerous population. Since then, some of our inland towns have been afflicted with the same calamitous epidemic, and valuable lives fell sacrifices to its desolating fury. I have great satisfaction in feeling myself authorized to announce to you, the grateful intelligence, that this mysterious disease has, in a great measure, if not entirely subsided, and that a case of spasmodic cholera, has for some time past, been of rare occurrence within the limits of our state.

In contemplating this great deliverance, fellow-citizens, it becomes us humbly to adore the goodness of

that God, who, when we had sorely offended, visited us with so light an affliction, and to pour out our hearts and our souls, in gratitude before him, for his great loving kindness towards us, in having so promptly stayed the hand of the destroying angel, and caused the desolating scourge so speedily to pass from amongst us.

It is under such favorable circumstances of abundance, health, and universal prosperity, that you are assembled to legislate for a population numbering little short of a million and an half of souls, who look up to you, as their representatives, to devise for them such measures of policy, and to sanction them by legislative enactments, as will tend with the greatest certainty to relieve their wants, to increase their comforts, and to promote their happiness. The constitution makes it the duty of the executive, to give to the General Assembly, information of the state of the commonwealth, and to recommend, for their consideration, such measures as he shall judge expedient. I proceed most cheerfully to comply with this constitutional requirement, under a firm conviction, that the state of the commonwealth will present such an aspect as will be gratifying to our constituents, and that the measures recommended, will receive from the representatives of the people, that deliberate consideration, and that candid and impartial decision, which in their judgment, they shall respectively merit.

By the act of 30th of March, last, entitled "An act relative to the Pennsylvania Canals and Rail-Roads," it was made the duty of the Governor, to borrow, on the credit of the commonwealth, the sum of two millions, three hundred and forty-eight thousand, six hundred and eighty dollars, to be applied to works of internal improvement, in the manner specifically directed by the act. In pursuance of the authority thus given, persons desirous of taking the loan were invited, by a public notice, inserted in the newspapers pub-

lished at the seat of government, and also in the city of Philadelphia, to forward their proposals to the office of the Secretary of the Commonwealth, for loaning to the state the said sum of money, reimbursable at any time after the first of July, one thousand eight hundred and sixty. I have great pleasure in communicating to you the gratifying fact, that such is the high character of the stock of Pennsylvania in the market, that offers, peculiarly advantageous to the commonwealth, were received from respectable houses in the cities of New York and Philadelphia, for the whole of the loan. The Bank of Pennsylvania, however, having offered one hundred and fourteen dollars and eight cents, in money, for every one hundred dollars in stock, bearing an interest of five per cent. per annum, and that being the highest offer for the whole loan, the same was accepted, and the loan awarded to that institution.

The same course of proceedings was adopted in relation to the loan of three hundred thousand dollars, authorized by act of 5th April, last. Offers at an advanced premium were made by the persons composing the same firms in the cities of New York and Philadelphia, and also by the Bank of Pennsylvania; the latter having again made the most advantageous offer, being no less than one hundred and fifteen dollars and nine cents, in money, for every one hundred dollars in stock, bearing an interest of five per cent., the same was accepted, and the sum thus borrowed has been placed to the credit of the commonwealth, and applied to the several objects contemplated by the act. Copies of the correspondence, in reference to the several loans, will be laid before you. It may not be improper here to remark, that in negotiating the several loans above mentioned, there will have been a clear gain to the commonwealth, after the remaining instalments shall have been paid over, of three hundred and seventy-five

thousand, nine hundred and sixty-four dollars and fourteen cents, in premiums, or bounties, paid for no other consideration than the privilege of receiving the loan.

The several loans having been negotiated, the board of canal commissioners, with an alacrity, a fidelity and perseverance, which entitle them to the confidence and respect of their fellow citizens, proceeded to prosecute the respective works, for the construction of which appropriations had been made by the several acts above mentioned, and the result of their operations has been, that there has been finished within the present year, a single track of rail road, twenty two miles in length, from Philadelphia westward, upon the Columbia and Philadelphia improvement; and a second track, for the same distance, has been so far progressed in, that it, too, is expected to be finished by the first of January next. The whole of this improvement, so far as completed, is said to excel in point of workmanship, combining solidity and neatness with strength and durability. On the Eastern division of the Pennsylvania canal, and upon the Frankstown line of the Juniata canal, there have been finished, including an aqueduct over the river Swatara, forty-seven miles and sixty-one perches of canal and slack water navigation, which completes an uninterrupted line of water communication extending from Columbia, in the county of Lancaster, to Hollidaysburg, in Huntingdon county, a distance of one hundred and seventy-one miles and sixty-one perches. There have also been finished four miles of towing path on the pool of the Nanticoke dam, on the North Branch, and two miles of towing path on the pool of the Muncy dam, on the West Branch. The seventy-five miles and sixty-one perches of rail-road, canal, and slack water navigation thus finished within the present year, and the several lines of canal heretofore completed, give to the state an aggregate extent

of internal communication, by canals, rail-roads, and slack water improvement, now ready for active operations, of five hundred and two miles and one hundred and forty one perches, constructed by the state, in the short period of six years. In addition to the works above mentioned, that have been or will be completed within the present year, I have great satisfaction in assuring the General Assembly, that such progress has been made in forwarding the work upon the other lines, authorized and under contract, that if provision shall be made by the Legislature, at an early period of the present session for raising a fund sufficient for the uninterrupted prosecution of the several works to their final completion all the lines now under contract or authorized, including the necessary feeders, forming of canal and slack water navigation one hundred and twelve miles and two hundred and ninety-four perches in extent, and of rail-road ninety-six miles and seventy-two perches, will be entirely finished in the course of the ensuing season. It is the opinion of the engineer, upon the Allegheny Portage Road, that if the iron that has been contracted for, can be delivered upon the road in due season, a single track may be laid and finished, on or about the first day of July next, upon the whole distance of thirty six miles and two hundred and twenty-one perches; and a double track upon the several inclined planes, making altogether, a distance equal to forty-three miles and ninety one hundredths of a mile, which will leave of the second track to be completed thereafter, twenty-nine and forty one hundredths of a mile. Should this work be finished at as early a day as that contemplated by the engineer, we shall have, for the greater part of the next season, an entire connected line of communication between Philadelphia and Pittsburgh, by the way of the Union canal, which will at once form a new era in the intercourse between the two great commercial depots of

the state, and between the interior of the state and both those cities. A single track upon the Columbia and Philadelphia rail road, from the western termination of the twenty-two miles already mentioned, to the borough of Columbia, a distance of fifty-nine miles and one hundred and seventy-one perches, will also be laid and finished in all the ensuing seasons, if the General Assembly shall judge it expedient to provide and appropriate the necessary funds at an early period of their session for prosecuting this, and the other authorized works, and thereby enable the canal commissioners to procure the iron, and put the track just mentioned, under contract, early in the spring. It is proper that a fact, which had perhaps escaped the attention of former Legislatures, that the finishing of the public works has been greatly retarded in consequence of the lateness of the period in the session when the appropriation bills for such objects have been passed, should be brought to the knowledge of the General Assembly at this time. The board of canal commissioners is bound by law to give thirty days notice of the time and place where proposals will be received and the lettings made.—This notice cannot be given until after the appropriation bill for such objects has finally passed. It frequently happens that contracts are entered into and afterwards abandoned, which requires a fresh notice to be promulgated for another period of two weeks, at the expiration of which, new contracts are made. By this means a large portion of the most favourable season for operations upon the public works is lost, and their completion consequently protracted. Permit me, then, fellow citizens, to urge upon your consideration, the necessity for prompt action in relation to a subject that interests us all. I trust we all feel anxious to witness the final consummation of the great chain of improvements now in a state of progress. A morbid, desponding state of

feeling seems to have taken possession of the public mind, in relation to them, which it is our duty to take the necessary measures to allay, and I know of none that would more effectually conduce to its removal, than that of hastening the final completion of the public works.

It is not contemplated to finish a second track upon the Columbia and Philadelphia Rail Road, nor upon the Allegheny Portage road, within the ensuing season. To complete the other works above referred to, as being in a state of forwardness sufficient to warrant the belief that they may be finished in all the next season, it is supposed will be as much as there will be occasion to finish, for the present, of this chain of improvements. A single track upon each of the rail-roads will, when finished, form an entire connected line of state improvements, between Philadelphia and Pittsburg, amply sufficient for the transportation of all the various articles of commerce that may seek a vent, through that channel, until the second tracks can be completed.

When the whole of the works authorized, and those under contract, shall have been completed, this state will have in her own right, constructed in a period of about seven years, five hundred and ninety three miles and one hundred and fifteen perches of artificial improvement by canal, and slackwater navigation; and one hundred and eighteen miles and seventy two perches of rail road, making an aggregate of seven hundred and eleven miles and one hundred and eighty seven perches of internal communication, which for magnificence of design, solidity and neatness in the execution, and for splendid prospects of future productiveness and usefulness, will stand unrivalled, and will place our state upon a proud eminence in her relative position with the other states of this confederacy, as well in regard to the spirit of liberality, munificence, and patriotism that dictated this stupendous under-

taking, as in reference to the solid realities this scheme of improvement will assuredly elicit, in the future perpetual round of its useful and productive operations.

By the estimates furnished by the engineers upon the several lines of the public works, it appears that there will be required, in addition to the appropriations heretofore made, to finish the works authorized, and which have been referred to in this communication, including a feeder at Johnstown, and certain indispensable new works upon lines heretofore finished, the sum of two millions and eighty-eight thousand nine hundred and sixty-five dollars, and twenty nine cents. Should the General Assembly, however, consider it advisable, and most for the advantage of the public, to order the whole line of communication to be completed, between the great Eastern and Western emporiums, by laying and finishing the second track upon the respective railroads, a further appropriation of the sum of nine hundred and ninety-eight thousand seven hundred and thirty dollars and seventy-one cents will be required. These estimates do not however include the sum that will be required for the liquidation of damages and for repairs for which it will also be necessary that provision should be made. The report of the board of canal commissioners, to which I would respectfully refer you for all matters in detail, in of regard to this subject, will direct you in reference to the amount required to be appropriated for these objects respectively.

In anticipation of an event so cheering as that of consummating in the brief period of another season, this stupendous monument of the power and greatness of our beloved commonwealth, permit me, fellow-citizens to congratulate you and our common constituents. A work upon a scale so magnificent could not fail to involve, in its construction, the expenditure of much treasure, and to cause the state to incur heavy liabilities; but I am bold to say that independent of the

future value of these improvements to the commonwealth, the state has been the gainer already, before they have even gone into active operation, in the universal prosperity which this measure of its policy has been greatly instrumental in bringing about, to an amount exceeding that of all the liabilities and expenditures it has incurred in their construction. And in regard to its future policy, in reference to this subject, no statesman who appreciates, as he ought, the true interests of his own state, and who will for a moment cast his eye upon the vigorous and unremitting exertions of our sister states, by their measures of policy, in regard to which they do not stop to count the cost, to wrest from Pennsylvania all that is valuable to her, even of her own internal trade and commerce, can for one moment hesitate or doubt. Upon this measure of state policy, my opinion has undergone no change; it has been frankly and candidly communicated in my former messages to the General Assembly, and needs not, therefore, now to be repeated.

Having disposed of a subject which at every session of the Legislature engrosses much of the time of the General Assembly—the artificial improvement of the physical condition of the commonwealth; permit me to call your attention to an improvement of a more difficult, but of a higher and more deeply interesting character as regards the dissemination of knowledge and the security and stability of our highly cherished republican institution—the improvement of the moral and intellectual condition of its citizens. And with a view to accomplish an achievement at once so laudable and so desirable, permit me to recommend, for the consideration of an enlightened and patriotic Legislature, the importance of maturing, in the course of the present session, a plan of education that will reach every child in the commonwealth and leave none uninstructed. This subject has been so repeatedly urged

upon the attention of the Legislature, that nothing short of its intrinsic importance to the rising generation, to the welfare of the state, and to the rational use and enjoyment of liberty itself, would justify such incessant importunity in relation to it.—The necessity of such a measure has been long since seen and felt. Reports favorable to a general system of education have heretofore been spread upon the legislative journals, by committees having that subject under consideration, pregnant with valuable information. Bills drawn with much care, containing the elements of a plan of common school instruction, have been reported and partially discussed without, however, producing any valuable results. There is no subject, perhaps, upon which a concentration of public opinion might not be more easily effected.—One great hinderance to the enactment of any general law having for its object this desirable measure of state policy, strange and incredible as it may seem, is to be ascribed to the humiliating fact, that there is still a considerable portion of our population decidedly averse to any scheme that would tend to add to the general stock of intelligence. Much the greater proportion, however, is favorable, it is believed, to some general plan that would contribute to dispel the clouds of ignorance and cause the lights of education to irradiate every intellect. Satisfied as I am, that the present plan for the instruction of the children of the indigent, besides the odious distinction between rich and poor which it engenders, is a system of prodigality and wasteful extravagance, a real burden upon the people without accomplishing in any reasonable measure the end intended, it would give me great pleasure to concur in any enactment that would tend to a favorable change, as well in the organization, as in the economy of our present school system.

It would be a source of much gratification to the

reflecting portion of our citizens, and an act that would elevate the moral character of the state, if the only remaining law authorizing the sale of lottery tickets and the drawing of lotteries within this commonwealth, were stricken from the statute book. A more pernicious, ruinous and demoralizing evil can scarcely be imagined. The contract of Messrs. Yates and M'Intyre, with the Union canal company, will expire in one year from the last of this month.—Permit me, therefore, to recommend the subject to your attention, as one deserving the immediate consideration and the prompt and efficient action of the General Assembly. It is believed that measures might be taken in the course of the present session, which, whilst the public faith would be preserved, would put an end to the existing evil.

In obedience to a resolution of the General Assembly of the 10th April, last, "relative to the use of the waters of the river Delaware," three gentlemen of known capacity and fitness for that service were appointed commissioners on the part of this commonwealth, to meet a like number, should they be appointed, on the part of the state of New Jersey, to view a dam and other obstructions, alleged to have been placed in that river, upon which the resolution was predicated. No report has yet been received from these gentlemen, owing, as I understand, to the circumstance that no commissioners had been appointed until very recently upon the part of New Jersey, to unite in the view contemplated by the resolution.

Our lot, fellow-citizens, has been cast in the heart, as it were, of a young, vigorous, and prosperous confederacy whose institutions and laws have hitherto protected us in the enjoyment of a more liberal allotment of civil and religious rights, than have fallen to the share of any other people in any age of the world. Our government has attracted the attention and excited

the admiration, if not the envy of the enlightened portion of mankind. Its public policy has strengthened and invigorated it in all its relations, foreign and domestic. It has become rich and powerful at home, and commands the consideration and respect of foreign nations. The universal prosperity we enjoy as a nation, and the innumerable blessings with which we are surrounded, should stimulate our gratitude, and not excite our discontent. But great as our comforts are, and immeasurable as the extent of our happiness ought to be under the circumstances in which we are placed, instead of cultivating peace and contentment, and feeling grateful for the blessings we enjoy, the spirit of discord is abroad in the land. A sister State, the value of whose exports of domestic produce for the year ending on the 30th September, 1831, amounted to six millions five hundred and twenty-eight thousand six hundred and five dollars, whilst the value of those of Pennsylvania, for the same period, amounted only to the sum of three millions five hundred and ninety-four thousand three hundred and two dollars, complains of impoverishment and oppression; threatens a nullification of enactments by the National legislature, for protecting our home industry against the restrictive policy of foreign nations; which we in Pennsylvania have been taught to consider as being identified with our national policy, as contributing greatly to the prosperity of our country, and as rendering us more truly independent. If the value of the produce of a state exported to foreign markets furnishes any evidence of the prosperity of its people, how greatly must that of the state in question, exceed that of our own, the value of whose exports amounts to but little more than half of that of the state to which allusion has been made. What other causes may exist to justify the complaints of the South, I am not informed, but the opinion is entertained, that if any do exist, they are as-

cribable to other sources than the laws imposing duties on imports. The interests of Pennsylvania, as a manufacturing state, are so interwoven with the protective policy, that she, at least, cannot consent that it should be abandoned. Whether the act of Congress of July, will afford sufficient protection to all the interests that require it, remains to be tested, and until its efficacy in that particular shall have been ascertained, Pennsylvania cannot, it is believed, in justice to her important interests, cease to exert her influence to prevent a change in its provisions.

I cannot omit, whilst bringing to your notice such measures of national policy as it is believed Pennsylvania ought to sustain, to take a passing notice of one that has excited no ordinary state of feeling in some parts of the union, since the adjournment of the Legislature. Resolutions had passed both branches of the Legislature of this state at their last session with great unanimity, instructing our Senators, and requesting our Representatives in the Congress of the United States, to use their exertions to obtain a renewal of the charter of the bank of the United States. A bill for that purpose passed both houses of Congress, the provisions of which not comporting with the views of the President of the United States, his negative was interposed, and the bank did not obtain a renewal of its charter. An excitement, that perhaps transcended the bounds of discretion, grew out of the transaction. It is not believed, that the same fate awaits every bill that may pass the two houses of Congress for the renewal of the charter. The bank of the United States, whatever may be alleged to the contrary, has certainly done the country some service. It has established a circulating medium in which the people have confidence. It is not denied, I believe, that it has greatly facilitated the operations of the general government, so far as its pecuniary transactions were concerned;

and it is admitted, that it has materially aided individuals in their pecuniary arrangements with each other, and especially in the transmission of money to distant parts of the union. It would be a subject of regret therefore, if a too strict adherence to a literal construction of the Constitution in regard to the powers conferred upon Congress by that instrument to establish such an institution, or a too critical analysis of its expediency in a moral or political point of view, or the imprudent, intemperate, and impetuous zeal of its friends, and those entrusted with its government and the management and direction of its affairs, should have the effect to prevent a renewal of its charter, sufficiently restricted, checked and guarded; and thus unsettle that which has heretofore been considered part of the settled and established policy of the country.

The importance of an efficient Judiciary, and an impartial, prompt, and faithful administration of the laws, is so universally admitted and felt, that any defects in the present system will not fail to attract the attention of the General Assembly, and form a prominent subject for its deliberations. Permit me, at the same time, to urge upon your attention, the propriety of taking into consideration the several laws for the regulation of the militia of this commonwealth, and to recommend a thorough revision of the whole system.

The commissioners appointed to revise the civil code, made their second report to the Legislature, at its last session, accompanied by three important bills relating to "last wills and testaments;" "the descent and distribution of the estates of intestates," and to "executors, administrators and collectors," which from some cause, were not then acted on. Permit me now to direct your attention to them, and to recommend them to your favorable consideration. From the assiduity and diligence with which the commissioners have applied themselves to this important work, a third report may be expected shortly.

Our penitentiary system, as immediately connected with the administration of criminal justice, is to be regarded as being of the first impression in reference, as well to the security of the persons and property, as to the general morals of our citizens; and so far as regards the Eastern penitentiary, the philanthropic advocates of penitentiary reform, may justly congratulate themselves upon the success with which their exertions have been crowned, in bringing so near to perfection, a system surrounded by so many difficulties. The government of this prison has been conducted, in regard as well to its economy as its discipline, in a manner worthy of all commendation; and the experiment of the efficacy of solitary confinement with labor, so far as there has been opportunity to test it, has exceeded the expectations of the most sanguine among its friends. On the 25th October, 1829, the first convict was received into the Eastern penitentiary, and from thence, until the 1st November, 1832, the whole number admitted amounted to one hundred and thirty-two males, and four females, convicted of various offences. On the day last mentioned, there remained in confinement, ninety male and four female prisoners. The whole number discharged between the above dates, by reason of the expiration of sentence, was twenty-eight; nine died, and five were pardoned. One fact, in reference to this institution, bears strong testimony in favor of its discipline. It appears that not a single convict discharged from this prison has ever been returned to it; which would seem to prove, pretty clearly, either that a thorough reformation has been produced, or that a dread of a repetition of the unsocial manner of life, which had proved so irksome before, has deterred from the commission of crimes within those limits of the state, in which a conviction would ensure a sentence to the Eastern penitentiary. The annual accounts of the prison are not closed until the 30th of November.

I have not, therefore, been able to ascertain, with accuracy, how far the earnings of the prisoners will be available to defray the expenses of the institution; it is believed that for the present they will pay all except the salaries of the officers, and it is not doubted that as soon as the prison shall have been fully organized, the entire expenses will be defrayed out of the proceeds of the establishment. The experiment made in the Eastern Penitentiary, has demonstrated the fact, that solitary confinement with labour, does not impair the health of those subjected to that species of discipline. The prisoners work to more advantage; having no opportunity for conversation or amusement, they eagerly desire employment; here all communication is cut off; no one knows his fellow prisoner; no acquaintance is formed; no contamination takes place; the convict sees no one; holds communion with no once, except such as will give him good advice; he is placed in a situation where he has every inducement to grow better, but little temptation to grow worse; here, thought and reflection will crowd upon the mind, and prepare it for solemn impressions, and for moral and religious instruction. The discipline established in this prison, the manner of the construction and arrangement of the building itself, and of the cells in which the prisoners are confined and employed, are admitted by all who have turned their attention to the subject of penitentiary reform, to possess decided advantages over those of any other establishment designed for similar objects, in this or any other country. Foreigners, whose especial business it has been to visit the penitentiaries in this country, generally, for the purpose of acquiring information in reference to the subject of penitentiary punishment and its efficacy in producing reformation in those subjected to its discipline, have, with one voice, awarded the need of merit to that established in the Eastern penitentiary of Penn

sylvania. I have the satisfaction to inform you, that of the four hundred additional cells recently directed by the Legislature to be constructed, one hundred are finished and will be ready, as soon as the plaistering shall have become sufficiently dry, to receive prisoners; one hundred and eighteen more, are in a state of forwardness, and the whole number will be completed in the course of the ensuing season.

From the last report of the Inspectors of the Western penitentiary, as well as from a partial personal inspection of it, I am satisfied that its condition and the fruits of the course of discipline there exercised, are directly the reverse of that which I have just attempted to describe. From the imperfect plan of the building itself, and the inconvenient, injudicious arrangement of the cells, the discipline of solitary confinement with labour cannot be enforced; the prisoners cannot be restrained from conversing with each other, every prisoner may acquire a knowledge of the individuals confined within its walls; contamination from conversation with his fellow prisoners may take place; the cell of the prisoner cannot, as in the case of the Eastern penitentiary, be used as his work shop, in which he may always be use-fully and profitably employed; there are no separate yards connected with the several cells, which renders it necessary, for the health of the prisoners, to allow them frequently to associate with each other in the common yards. Many other defects exist, and many important alterations will be required to fit this establishment for the same course of salutary discipline so successfully practised in the Eastern penitentiary. To remedy the various defects, and to place this institution in a condition to answer the philanthropic design for which it was intended, it can scarcely be doubted, that a necessity will be felt for the early interposition of the Legislature. It is the opinion of many whose opportunities of judg-

ing add value to their opinions, that religious and moral instruction are all important to the speedy and thorough reformation of the convict. Few of the reverend Clergy can devote the time, and pay the attention to the unfortunate prisoners that might be profitably employed about the cells of the penitentiaries. Would it not be aiding the cause of humanity to supply this defect in the system, by authorizing the employment of competent persons to attend to the moral and religious instruction of the unhappy convicts?

The accounting officers, will lay before you, statements of the finances of the Commonwealth, which I am happy to inform you, continue to be in a truly flourishing condition. The receipts into the Treasury, for the fiscal year ending on the first of November, one thousand eight hundred and thirty-two, arising from the ordinary sources of revenue, amounted to six hundred and sixty-five thousand and forty-nine dollars and eighty-eight cents, exhibiting an increase of ordinary revenue over that of 1831, arising from the same sources, of sixty-nine thousand two hundred and sixteen dollars and seventy-six cents. The ordinary expenditures of the year have not varied materially from those of eighteen hundred and thirty-one, and after paying all the ordinary expenses of government and local appropriations, left in the treasury at the above date, a balance of two hundred and ninety-six thousand nine hundred and eighty-two dollars and forty-four cents, of which sum, there was transferred into the internal improvement fund for payment of interest on the same day, the sum of one hundred and seventy-nine thousand eight hundred and fifteen dollars and twenty-eight cents, leaving a balance in the treasury of one hundred and seventeen thousand one hundred and sixty-seven dollars and sixteen cents.

I herewith transmit the annual report of the board of canal commissioners, giving a detailed view of the

progress of the works of internal improvement and the various transactions connected with that subject, to the 31st of October last, together with the documents accompanying the same.

I have received from the executive of the state of Louisiana, certain resolutions of the Legislature of that state, in relation to the constructing a rail-road from the river Mississippi, (as near to New Orleans as practicable,) to pass through the states of Louisiana, Mississippi, Tennessee, &c. to the city of Washington, copies of which will be laid before you.

I also transmit herewith, copies of resolutions of the Legislature of the state of Maryland received from the executive of that state since the adjournment of the General Assembly, relative to candidates for the offices of President and Vice President of the United States.

I cannot close this communication, fellow-citizens, without availing myself of this opportunity to assure you of my best wishes, that the acts and measures of the present session may redound to elevate your own reputations as statesmen and legislators; promote the general welfare; advance the public good; prove an honor to the state and a blessing to mankind; and to tender to you the further assurance of my cordial concurrence in all your measures tending to the accomplishment of objects so eminently to be desired.

GEO. WOLF.

Harrisburg, December 6, 1832.

[DOCUMENTS OMITTED.]

To the Assembly Transmitting Certain Documents from the State of South Carolina, with a Letter from the Governor of the said State.

Gentlemen:

I HAVE RECEIVED FROM THE GOVERNOR OF the State of South Carolina, a communication enclosing certain documents purporting to be proceedings adopted by the people of South Carolina, in

convention assembled, which I hasten to transmit to the General Assembly for their consideration.

GEO. WOLF.

Harrisburg, December 13th, 1832.

[DOCUMENT OMITTED.]

Inaugural Address to the Assembly.

Fellow Citizens:

BY A MAJORITY OF THE SUFFRAGES, WITH which I have been recently favored by the freemen of this great and flourishing State, I have been called to discharge, for a second term of three years, the responsible duties of the first office in their gift.

In obedience to their will I have presented myself here and taken the oaths prescribed by the constitution and laws of the commonwealth, preparatory to entering upon the execution of the important trust;—and I seize this public occasion to express to the good people of Pennsylvania my most grateful acknowledgments for this renewed testimonial of their confidence—a confidence the more highly prized, because it furnishes the consolatory proof that the acts and measures of my administration, during the constitutional term which has just ended, have been approved by them; and justifies the reasonable conclusion, that a similar course of policy for that which has now commenced, will be equally acceptable to them.

Hitherto the constitutions and laws of the United States and of this State have been my constant guide, and the happiness of the people of Pennsylvania has been my peculiar aim.—Acknowledging the sovereignty of the people, it has been my desire, as well as my endeavor, to ascertain and execute their will. Ever bowing submissively to the majesty and supremacy

of the laws, I have made it my business, as it was my duty, to see that they were faithfully executed. Economy in the expenditure of the public treasure has been strictly enjoined. The public credit has been carefully maintained, and, it is believed, firmly established. Our public works of internal improvement have been prosecuted with energy, diligence and perseverance. A general system of common school education has, from time to time, been pertinaciously and earnestly urged upon the attention of the Legislature.—A judiciary system that would ensure justice to be administered to all without sale, denial or delay, has been anxiously and zealously recommended.

Among the measures of our national policy, in which Pennsylvania is peculiarly interested, those embracing a protecting tariff, internal improvements of a national character, and the establishment of a sound currency, in which the people can have confidence, without endangering their rights, have been advocated upon all proper occasions. Every act and every measure believed to be calculated to promote the general welfare or to advance the public good, have been called into requisition to accomplished these important objects.—I shall henceforth persevere in the same principles, and continue to pursue the same course of policy.

In compliance with a usage coeval with the organization of the government, under the present constitution I have said thus much, I shall add no more, but that all the faculties and all the energies I possess shall be devoted to the service of my native state, and in advancing the prosperity and happiness of my fellow-citizens.

GEO. WOLF.

Harrisburg December 18, 1832.

To the Assembly Re-appointing Samuel M'Kean Secretary of the Commonwealth.

Gentlemen,

I HAVE THIS DAY RE-APPOINTED SAMUEL M'Kean, Esq. Secretary of the Commonwealth, under the authority of the fifteenth section of the second article of the Constitution.

GEO. WOLF.

Harrisburg, December 19, 1832.

To the Assembly Transmitting Certain Legislative Documents from the State of Georgia, and a Statement of the Board of Canal Commissioners.

Gentlemen,

I HAVE RECEIVED FROM THE GOVERNOR OF the state of Georgia a communication, accompanied by certain proceedings of the Legislature of that state, in relation to the call of a convention to amend the constitution of the United States, copies of which are herewith transmitted for your consideration.

I also transmit, herewith, copies of a statement by the board of canal commissioners, showing the amount of tolls received on the Pennsylvania canal, and rail road during the months of November and December last.

GEO. WOLF.

Harrisburg, January 17, 1833.

Executive Department, Ga.,
Milledgeville, December 28, 1832.

Sir—In conformity with a joint resolution of the General Assembly of this state, I transmit to you the accompanying preamble and resolutions, approved on the 22d, inst.:

I have the honor to be, with great respect,
Your obedient servant,
WILSON LUMPKIN.

In the House of Representatives.

For as much as throughout the United States, there exist many controversies growing out of the conflicting interests, which have arisen among the people since the adoption of the Federal constitution, out of the cases in which Congress claims the right to act under constructive or implied powers; out of the disposition shown by Congress, too frequently to act under assumed powers, and out of the rights of jurisdiction, either claimed or exercised by the Supreme court; all of which tend directly to diminish the affection of the people for their own government, to produce discontent, to repress patriotism, to excite jealousies, to engender discord, and finally to bring about the event of all others, most deeply to be deplored, and most anxiously to be guarded against, viz: a dissolution of our happy Union and a severance of those states into hostile communities, each regarding and acting towards each other with the bitterest enmity.

And the experience of the past having clearly proved, that the constitution of the United States needs amendments in the following particulars.

1. That the powers delegated to the general government and the rights reserved to the States, or to the people, may be more distinctly defined.

2. That the power of coercion by the general government over the states, and the right of a state to resist an unconstitutional act of Congress, may be determined.

3. That the principle involved in a tariff for the direct protection of domestic industry, may be settled.

4. That a system of federal taxation may be established, which shall be equal in its operation upon the whole people, and in all sections of the country.

5. That the jurisdiction and process of the Supreme court may be clearly and unequivocally settled.

6. That a tribunal of last resort may be organized to settle disputes between the general government and the states.

7. That the power of chartering a bank and of granting incorporations, may be expressly given to, or withheld from Congress.

8. That the practice of appropriating money for works of internal improvements, may be either sanctioned by an express delegation of power, or restrained by express inhibition.

9. That it may be prescribed, what disposition shall be made of the surplus revenue when such revenue is found to be on hand.

10. That the right to, and the mode of disposition of the public lands of the United States may be settled.

11. That the election of President and Vice President, may be secured in all cases, to the people.

12. That their tenure of office may be limited to one term.

13. That the rights of the Indians may be definitely settled.

Be it therefore resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and acting for the people thereof, that the state of Georgia, in conformity with the fifth article of the federal constitution, hereby makes application to the Congress of the United States, for the call of a convention of the people, to amend the constitution aforesaid in the particulars herein enumerated, and in such others as the people of the other states may deem needful of amendments.

Resolved further, That his excellency the Governor, be and he is hereby requested to transmit copies of this document to the other states of the Union, and to our senators and representatives in Congress.

His Excellency George Wolf, Governor of Pennsylvania:

Sir---The canal commissioners respectfully present to you the following statement of tolls which have been received on the Pennsylvania canal and rail road during the months of November and December last, with a request that you transmit it to the Legislature for their information.

The navigable lines of canal were all closed by ice on the 21st of December, but since that time the navigation of the Western division between Blairsville and Pittsburg has been partially resumed.

The annual report of the canal commissioners, page 36, shews, that

The amount of tolls collected and paid into the treasury before the 1st November, 1832, was,	$50,909 57
An additional amount of toll was at that date received, but not settled for and paid into the treasury, ...	4,340 63
Amount collected up to October 31, 1832,..	$55,250 22
The following additional sums have been received by the several collectors of tolls from the date of their last returns for the annual report, until the 31st of December, inclusive—	
Harrisburg, ...	$5,136 43

Lewistown,		1,235 44
Huntingdon,		667 50
Blairsville,		1,962 44
Leechburg,		665 36
Pittsburg,		558 78½
Northumberland, including the bridge,		1,767
Berwick,		657 91½
Easton,		4,501 27
Bristol,		2,147 75
Portsmouth outlet locks,		58 76
Bridge at Duncan's island,		695 16
Aqueduct at Pittsburg,		193 50
		$20,247 31
		$55,250 22
Tolls reported since the 1st, November—		
Brought forward,	$20,247 31	
Aqueduct near Freeport,	20 00	
Do. Jacks Narrows,	54 68	
Columbia rail road up to 27th December,	498 54	
Whole amount received since the 1st of November,		20,820 53
Aggregate of tolls received during the last year,		$76,070 75

By order of the Board.

JAMES CLARKE,
President.

Canal Commissioners' Room, January 15, 1833.

To the Assembly Transmitting Certain Resolutions of the Legislature of South Carolina Concerning State Rights.

Gentlemen,

I HAVE RECEIVED A COMMUNICATION FROM the Governor of the state of South Carolina, inclosing certain resolutions of the legislature of that State, relative to the expediency of calling a con

vention of the states, to consider and determine such questions of disputed power, as are alleged to have arisen between the states of this confederacy and the general government, copies of which are herewith transmitted.

GEO. WOLF.

Harrisburg, January 18, 1833.

Executive Department,
Charleston, South Carolina,
January 5th, 1833.

Sir—I have the honor to transmit the annexed resolutions passed by both branches of the legislature of South Carolina, with a request that the same may be laid before the legislature of your state.

With high consideration, I am
Very respectfully, your obedient servant,
ROBERT Y. HAYNE.

To his Excellency, the Governor of Pennsylvania.

In the Senate, December 13th, 1832.

The committee on federal relations, to whom was referred that portion of the Governor's message, No. 3, which relates to the call of a convention of the states, respectfully report the following preamble and resolutions:

Whereas, serious causes of discontent do exist among the states of this Union, from the exercise by Congress, of powers not conferred or contemplated by the sovereign parties to the compact,

Therefore,

Resolved, That it is expedient that a convention of the states be called as early as practicable, to consider and determine such questions of disputed power, as have arisen between the states of this confederacy and the general government.

Resolved, That the Governor be requested to transmit copies of this preamble and resolutions, to the Governors of the several states, with a request that the same be laid before the legislatures of their respective states, and also to our senators and representatives in Congress, to be by them laid before Congress for consideration.

To the Assembly Transmitting Certain Documents of the State of Illinois relative to the Militia and to the Recent Proclamation of the President.

Gentlemen,

I HEREWITH TRANSMIT COPIES OF A COMmunication from the Governor of Illinois, and of a resolution of the Legislature of that state in relation to a more perfect organization of the militia of the several states. Also a communication from the Executive of the same state enclosing a copy of the recent proclamation of the President of the United States, together with a message of the Executive and certain resolutions of the Legislature of Illinois in relation thereto.

GEO. WOLF.

Harrisburg, January 21, 1833.

State of Illinois, Executive Department,
Vandalia, 29th December, 1832.

To his Excellency, the Governor of the State of Pennsylvania:

Sir—I enclose to you a copy of the President's proclamation, and the resolutions of the General Assembly of this state thereon, together with a message of the Executive of the state.

I have the honor to be,
Your obedient servant,
JOHN REYNOLDS.

State of Illinois,
Executive Department,
Vandalia, December 22, 1832.

To his Excellency the Governor of the State of Pennsylvania:

Sir—Enclosed, I have the honor to transmit to you a copy of two resolutions, passed by the General Assembly of this state, on the subject of the militia, that you may submit the same to the legislature of the state over which you preside.

With due respect, I am
Your obedient servant,
JOHN REYNOLDS.

Resolutions for the more perfect organization of Militia.

Resolved by the Senate and House of Representatives, That the Senators of this state, in the Congress of the United States, be instructed and our representatives requested to use their exertions to procure the passage of a law, for the more perfect organization of the militia of the several states.

Resolved, That his Excellency the Governor, be requested to transmit copies of these resolutions to the Senators and Representatives of this state in Congress, and also to the Governors of the other states: that the same may be submitted to the legislatures thereof for their consideration.

To the Assembly Transmitting a Letter from the Governor of North Carolina with Certain Resolutions of said State Concerning the Doctrine of Nullification; also a Letter from the Governor of New Jersey and Certain Resolutions of the Legislature of that State.

Gentlemen:

A COMMUNICATION HAS BEEN RECEIVED from the Executive of the state of North Carolina enclosing certain resolutions of the General Assembly of that state, expressing the attachment of that body to the constitution of the United States and the Federal Union; its views in relation to the acts of Congress imposing duties on imports for protection; the doctrine of nullification as avowed by the state of South Carolina, and instructing the Senators and requesting the Representatives from that state in the Congress of the United States, to use all constitutional means in their power to procure a peaceable adjustment of the existing controversy between the state of South Carolina and the General Government, and to produce a reconciliation between the contending parties, copies of which are herewith transmitted.

I have also received from the Governor of the state of New Jersey, a communication covering a resolution of the Legislature of that state, authorising the appointment of three commissioners, to meet the commissioners already appointed on the part of this state, in pursuance of a resolution of the 10th of April last, in relation to obstructions in the river Delaware. Inasmuch, however, as the resolution of the Council and General Assembly of the state of New Jersey gives to the commissioners to be appointed on the part of that state more extensive powers than those contemplated by the resolution to which I have just referred, I have directed copies of the Legislative act of the state of New Jersey to be laid before you in order that, if the General Assembly shall deem it expedient, the commissioners appointed on the part of this state may be clothed with corresponding powers.

GEO. WOLF.

Harrisburg, January 26, 1833.

Executive Department,
Raleigh, January 15, 1833.

Sir — I have the honor to transmit to you, the annexed resolutions, adopted by both houses of the General Assembly of the state of North Carolina, at the session which terminated on the 11th instant.

With high considerations,
I am very respectfully,
Your obedient servant,
D. S. SWAIN,

To his Excellency, the Governor of the state of Pennsylvania.

In General Assembly.

Resolved, That the General Assembly of the state of North Carolina, doth entertain, and doth unequivocally express a warm attachment to the constitution of the United States.

Resolved, That the General Assembly doth solemnly declare a devoted attachment to the federal Union, believing that on its continuance depend the liberty, the peace and the prosperity of these United States.

Resolved, That whatever diversity of opinion may prevail in this state, as to the constitutionality of the acts of Congress, imposing duties on imports for protection, yet it is believed, a large majority of the people think those acts unconstitutional; and they are united in the sentiment that the existing tariff is impolitic, unjust and oppressive; and they have urged, and will continue to urge its repeal.

Resolved, That the doctrine of nullification as avowed by the state of South Carolina, and lately promulgated in an ordinance, is revolutionary in its character, subversive of the constitution of the United States, and leads to a dissolution of the Union.

Resolved, That our Senators in Congress be instructed and our Representatives be requested to use all constitutional means in their power to procure a peaceable adjustment of the existing controversy between the state of South Carolina and the General government, and to produce a reconciliation between the contending parties.

Resolved, further, That a copy of these resolutions be respectfully communicated by his Excellency, the Governor of this state, to the President of the United States, the Governors of the several states, and to our Senators and Representatives in Congress.

State of New Jersey.

Whereas, The Governor of Pennsylvania, has informed the Governor of the State of New Jersey, that he has by virtue of a resolution of that commonwealth, appointed three commissioners, to meet a like number, if they shall be appointed on the part of New Jersey, to view a certain dam in the river Delaware, at Well's Falls, as well as any other obstruction in said river, authorised by either state, or the citizens thereof, and ascertain the facts and make reports thereon, to the Governors of the respective states.

Therefore resolved, By the Council and General Assembly, that the Governor of this State, be authorised to appoint three commissioners to meet the said commissioners on the part of the State of Pennsylvania, to examine and report according to the provisions of the said resolution; and also to report how the said obstructions may be obviated, having due regard to a safe and convenient navigation of the river, and the use of the waters thereof, for actual or contemplated improvement without injury to the said navigation.

To the Assembly Transmitting Certain Documents from the Board of Canal Commissioners.

Gentlemen,

I HEREWITH TRANSMIT COPIES OF A COMmunication, from the Board of Canal Commissioners, accompanied by a report of J. Edgar Thompson, civil engineer, upon the subject of the extension of the Delaware division of the Pennsylvania canal from Bristol to Philadelphia, which had not been received by the Board at the time of transmitting their annual report.

GEO. WOLF.

Harrisburg, February 8, 1833.

[DOCUMENTS OMITTED.]

To the Assembly Transmitting Certain Documents of the States of Delaware and Indiana Concerning the Convention of the States Proposed by the Legislature of South Carolina.

Gentlemen,

I HEREWITH TRANSMIT COPIES OF A COMmunication from the Governor of the state of Delaware, and of certain resolutions of the legislature of that state, accompanying the same on the subject of certain resolutions passed by the legislature of the state of South Carolina in favour of calling a convention of the states, for the consideration of the General Assembly.

I have also received a communication from the Executive of the state of Indiana, enclosing certain resolutions of the legislature of that state, relative to the proceedings of the South Carolina convention, and the

President's Proclamation in relation thereto, copies of which will also be laid before you.

GEO. WOLF.

Harrisburg, February 8, 1833.

Executive Department,
Dover, Delaware, January 31, 1833.

Sir—In obedience to a resolution of the General Assembly of this state, I have the honor to transmit a copy of the resolutions adopted on the 25th instant, on the subject of certain resolutions passed by the legislatures of the state of South Carolina calling a convention of the states.

With all respect, I am,
Very respectfully,
Your obedient servant,
C. P. BENNETT.

To his excellency, the Governor of Pennsylvania:

Whereas, certain resolutions passed in December last, by both branches of the legislature of South Carolina, declaring "that it is expedient that a convention of the States be called as early as practicable to consider and determine such questions of disputed power, as have arisen between the states of this Confederacy and the General Government"—have been transmitted by the Executive of that state to the Governor of this, and by him laid before the general Assembly for an expression of its sentiments: Therefore,

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met. That the constitution of the United States of America, which is a form of government established by the people of the United States of America, has expressly provided a tribunal in the Supreme Court of the United States, for the settlement of all controversies between the United States and the respective States, and of all controversies arising under that instrument itself.

Resolved, That the constitution of the United States of America, does not recognize any such tribunal or political assemblage as a convention of the States, but has expressly provided for modes of amendment, if amendment be necessary in the fifth article as follows: The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or on the application of the legislatures of two thirds of the several states, shall call a

convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this constitution when ratified by the legislatures of three-fourths of the several states, or by conventions of three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress." Any other mode must therefore be repugnant to its provisions.

Resolved, That such a convention to propose amendments, when called by Congress, must be, in the nature of things, a convention of the people from whom the constitution derived its authority, and by whom alone it can be altered, and not a convention of the states.

Resolved, That no such political assemblage as a convention of the states, could take place as a constitutional organ of government; and that, if assembled, it could have no such power as that set forth by the resolutions of South Carolina, "to consider and determine such questions of disputed power as have arisen between the states of this Confederacy and the General Government."

Resolved, That it is not expedient for Congress to call "a convention for proposing amendments" at this time. But that if any amendments be necessary, it comports with the views of the General Assembly of this state, that they should be proposed in the other mode provided by the constitution "by two-thirds of both houses of Congress."

Resolved, That the Governor be requested to transmit copies of these resolutions to the Governors of the several states, with a request that they may be laid before the legislatures of the respective states; and also to our Senators and to our Representatives in Congress, to be by them laid before Congress for consideration.

Passed at Dover, January 25th, 1833.

Executive Department,
Indianapolis, 16th January, 1833.

Sir—The resolutions I have the honour herewith to enclose are transmitted in compliance with a request of the Legislature of Indiana.

With great respect,
I have the honour to be
Your most obedient servant,
WM. SHERTS,
Secretary of State.

His Excellency the Governor of Pennsylvania.

A Preamble and Joint Resolutions,

Relative to the Proceedings of a late Convention of South Carolina, and to the President's Proclamation in relation thereto.

Whereas, an unusual and alarming excitement prevails in the state of South Carolina, on the subject of the tariff laws, awakened, as is believed, by a mistaken view of their constitutionality, and by exaggerated representations of their unequal operation; and whereas, heretical and dangerous doctrines have sprung up under the name of nullification, in which the constitutional right in a state, to render nugatory and resist the laws of the United States, and to secede from the Union, is boldly assumed; and whereas, a convention, delegated from a portion of the citizens of that state, has recently passed an ordinance, a copy of which, and of the report of a committee of said convention thereon, and of addresses to the people of the several states, and of South Carolina, transmitted by order of the said Convention, through the Governor of that state to the Governor of Indiana, avowedly for the information of this Legislature, are now before the same; and whereas, we, the Representatives of the people of Indiana, view the doctrines contained in those documents, as carrying with them internal evidence of their impracticability, absurdity, and treasonable tendency; and whereas, we regard the said ordinance, as prescribing to and attempting to enforce upon the people of South Carolina, "a course of conduct, in violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its constitution, and as having for its object the destruction of the Union," and as a necessary consequence, the prostration of our liberties: Therefore,

Resolved, By the General Assembly of the state of Indiana, that we deeply deplore the political heresies and threatened disorganizations, recently promulgated by a portion of our brethren of South Carolina.

Resolved, That we cordially concur in the persuasive appeals of our venerable Chief Magistrate, to the people of South Carolina, to pause ere it be too late to save themselves from ruin.

Resolved, That the sentiment, "our Union must be preserved," meets with a hearty response from the people of Indiana, bound as they are, by interest and honour, to that confederacy into which they voluntarily entered and from which they will never willingly be severed.

Resolved, That we regard the present juncture of our national affairs, as involving the preservation of our liberties, and as scarcely inferior in importance to that in which they were achieved.

Resolved, That as regards the important question, all minor differences should be forgotten, that devotion to party should be lost in devotion to country, and that the great contest among Americans, should be as to the means best calculated to prevent the temple of our Union from crumbling into ruins.

Resolved, That the constitutional doctrines advanced, and views of policy embraced in the President's proclamation on the present difficulties in South Carolina,—the patriotic spirit pervading that able document, and the prompt, and decisive manner in which he has rebuked the pernicious doctrines and unjustifiable course, recently adopted by a portion of the citizens of that state, command our entire approbation and have crowned with new laurels the "defender of his country."

Resolved, That at the present alarming and eventful crisis, we conceive it to be a solemn and a paramount duty of the people of the different states, to express through their Representatives, a firm and unwavering determination to protect "the ark of our political safety," from the hand of violence, and to pledge their support in furtherance of the laudable resolution of the National Executive, "to take care that the republic receive no detrement."

Resolved, That the Governor of this state be requested to transmit a copy of the foregoing preamble and joint resolutions, to the President of the United States, and also a copy to each of our Senators and Representatives in Congress, to be laid before that body, and one to the Governor of each state in the Union.

To the Assembly Transmitting the Annual Report of the Adjutant General.

Gentlemen:

I HAVE RECEIVED FROM THE ADJUTANT General of the State of Pennsylvania, a communication accompanied by his annual report, containing a statement in detail of the number and condition

of the militia, and volunteers of this commonwealth, together with a return of the arms, ordnance, camp equipage and military stores deposited in the several state arsenals, or which were in the hands of the militia composing the several brigades throughout the state on the 31st of December last, copies of which will be laid before you.

GEO. WOLF.

Harrisburg, February 13th, 1833.

Adjutant General's Office,
Beaver, February 5th, 1833.

His Excellency Geo. Wolf, Governor of Pennsylvania:

Sir—I have the honor herewith to transmit to your excellency, my annual return of the militia and volunteers of Pennsylvania, and also a statement of the ordnance, camp equipage and militiary stores, in the state arsenals and in the several brigades throughout the commonwealth.

The number of militia exhibited in the enclosed return, is considerably less than was reported last year. This is owing to the returns of the Inspectors of last year, having been much less deficient, than those of the present, or perhaps any preceding year. Many of the returns of this year, are incomplete; some by one, some two, and others, several companies, and nearly whole battalions and regiments are wanting in many of them. However, it would be the highest injustice in me to cast a shadow of blame upon the brigade inspectors, who, as far as I am able to judge, have been faithful in the discharge of their duties.

My report has been delayed until this late period, in order to obtain from the inspectors and the keepers of the arsenals, some information which I deemed essential in making out the report. This I have received, as far as was in the power of those officers to furnish, though not to the extent which I could desire.

Agreeably to the provisions of the 7th section of the supplement to the militia law, passed the 14th April, 1827, I have since my last report made sale of certain public property, to the amount of $322.94, which, together with $95.87½, a balance of a former sale, amounting in the whole to $413.81½, remains in my hands, to be appropriated to the repairing of the state arsenals. It is probable, that the whole of this sum

will be required to complete the repairs of the Meadville arsenal, which is in great need of repairs, to preserve the building from decay and the public property from injury. I have contracted for the execution of part of the work, and shall endeavor to have the whole completed as early in the season as practicable.

The copies of discipline which were expected in the place of those that were lost at sea, and which I had occasion to mention in my two other reports, have not been received. Those that have come to hand are being issued to the officers of the militia and volunteers in the different parts of the commonwealth.

The quota of arms due the state of Pennsylvania, from the United States, for last year, has not been received, in consequence of which, many corps of volunteers are anxiously waiting to be supplied. The arsenals are almost drained of good arms, though there appears to be a great number of old arms wanting repairs, both in the arsenals and in the hands of volunteers, and the inspectors. I have been endeavoring to collect into the arsenals all the old arms not in use, and have succeeded beyond my expectations. During the last two years, there have been transported to the different state arsenals upwards of 3,000 arms, the greater part of which, may, probably with a little cleaning and repairing be fit for use, and issued to the volunteers again.

I have the honor to be,
Very respectfully,
Your obedient servant,
SAMUEL POWER,
Adjutant General, P. M.

To the Assembly Transmitting Resolutions of the State of Delaware Concerning the Organization of the Militia.

Gentlemen,

I HEREWITH TRNASMIT FOR YOUR CONSIDeration copies of a letter from the Governor of the state of Delaware, and of certain resolutions of the Legislature of that state accompanying the same, recommending the passage of a law by Congress provid-

ing for a more perfect and uniform organization of the militia of the several states of the Union.

GEO. WOLF.

Harrisburg, February 23, 1833.

Executive Department.
Dover, Delaware, February 14th, 1833.

Sir—I have the honor to transmit to you certain resolutions, adopted by the General Assembly of this state recommending the passage of a law by the Congress of the United States providing for a more perfect and uniform organization of the militia of the several states.

With high consideration,
I am very respectfully,
Your obedient servant,
C. P. BENNETT.

To His Excellency the Governor of Pennsylvania.

Resolutions

Of the General Assembly of the state of Delaware, as to the organization of the Militia of the United States.

Resolved, By the Senate and House of Representatives of the state of Delaware in General Assembly met, That the organization of the militia of the United States, being a matter entrusted by the constitution to the general government, requires no attention, and can be only efficiently and satisfactorily done by that government.

Resolved, That our Senators in Congress be and they are hereby instructed, and our Representatives requested, to use their exertions to procure the passage of a law providing for a more perfect and uniform organization of the militia of the several states of the Union.

Resolved, That His Excellency the Governor of this state, be directed to transmit to each of our Senators and to our Representatives in Congress, a copy of the foregoing resolutions; also a copy to the Governors of the other states in the Union, with a view that the same may be submitted to their different legislatures.

Passed at Dover, February 1st, 1833.

To the Assembly with a Letter from the Governor of Delaware Transmitting an Act of the Legislature of that State to Regulate Fisheries.

Gentlemen:

I HAVE RECEIVED FROM THE GOVERNOR OF the state of New Jersey, a communication enclosing a copy of an act passed by the legislature of that state, entitled An act further supplementary to an act entitled An act to regulate the fisheries in the river Delaware, and for other purposes, passed the twenty-sixth day of November, eighteen hundred and eight; copies of which I have directed to be laid before the General Assembly, for their consideration and concurrence, provided the same shall meet their approbation.

GEO. WOLF.

Harrisburg, February 22d, 1833.

State of New Jersey,
Executive Department.
Trenton, 18th, Feb., 1833.

To His Excellency the Governor of Pennsylvania:

Sir—In compliance with the 5th section of a law of this state, entitled An act further supplementary to an act, entitled An act to regulate the fisheries in the river Delaware, and for other purposes, passed the twenty-sixth day of November, eighteen hundred and eight: I have the honour to enclose a certified copy of said law, and to request you Excellency to submit it to the legislature of Pennsylvania.

I have the honor to be,
Very respectfully, &c., &c., &c.,
SAML. L. SOUTHARD.

State of New Jersey.

An act further supplementary to an act, entitled An act to regulate the fisheries in the river Delaware, and for other purposes, passed the twenty-sixth day of November, eighteen hundred and eight.

Section 1. Be it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of

the same, That from and after the passing of this act, if any person or persons whosoever, shall cast or lay out any seine or net in the river Delaware within the concurrent jurisdiction of this state and state of Pennsylvania, from sunset on Saturday until twelve o'clock on Sunday night of each and every week, he, she or they, so offending, shall forfeit and pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

Section II. And be it enacted, That if any person or persons shall cast, draw, or otherwise make use of any seine or net, of a larger mesh than three inches for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton Falls, between the fifth day of June and the tenth day of July in any year, or above the head of Trenton Falls, of any seine or net of a larger mesh than two inches, between the tenth day of June, and the tenth day of July in any year, he, she or they, so offending, shall forfeit and pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

Section III. And be it enacted, That if any person or persons shall at any time hereafter, unlawfully make use of any gilling, seine, or drift net in the river Delaware, within the concurrent jurisdiction of this state and the state of Pennsylvania, below the Trenton bridge, without having first entered his gilling seine, or drift net fisheries as required by this act, or the act or acts to which this is a supplement, or beyond the right angles or the shore boundaries of the said fisheries so entered, or with a mesh larger than six inches and a half, or with a net longer than sixty fathoms, between the first day of March and the tenth day of July of each and every year, every person so offending shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding three months, or both at the discretion of the court before which such offender or offenders shall be convicted.

Section IV. And be it enacted, That if any persons shall unlawfully cast, draw, drift, anchor, stake, or otherwise make use of any gilling seine, or drift net, for the purpose of catching fish, in the river Delaware, within the concurrent jurisdiction of this state and the state of Pennsylvania, between the first day of March and tenth day of July in each and every year, every person so offending shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment in the county

jail, not exceeding six months, or both, at the discretion of the court before which such offender or offenders shall be convicted: Provided, That this act shall not subject to conviction and punishment any person or persons who have been subjected to prosecution for a penalty as provided for in the seventh and eighth sections of the act to which this is a supplement.

Section V. And be it enacted, That all the acts and parts of acts which come within the purview of this act, and are contrary to the provisions of this act, be, and the same are hereby repealed: Provided, That the said repeal shall in no wise affect any rights acquired under the act or acts so repealed, nor invalidate nor make void any proceedings, legally had or done, or commenced under the same; but the same shall be prosecuted to judgment and execution, as though the said act or acts were not repealed: And provided also, That no section, proviso, or part of this act shall be considered as valid or operative until the legislature of Pennsylvania shall approve of the same, by enacting a similar section, proviso or act, in whole or in part, and that from and after the passing of such law, such parts thereof as shall be so enacted and approved, shall immediately go into full force and effect.

Section VI. And be it enacted, That the Governor of this state is hereby requested to transmit an attested copy of this act to the Governor of the state of Pennsylvania, requesting him to submit it to the legislature of that state.

To the Assembly Transmitting Certain Resolutions of the State of Virginia Concerning Late Proceedings in South Carolina.

Gentlemen:

I HEREWITH TRANSMIT FOR THE CONSIDERATION of the General Assembly, copies of a letter from the Governor of the state of Virginia, and of a preamble and resolutions of the legislature of that state accompanying the same, in reference to the late

ordinance of the state of South Carolina, and the acts of Congress laying duties on imports, &c.

GEO. WOLF.

Harrisburg, February 23, 1833.

Executive Department,
Richmond, Virginia, January 26, 1833.

Sir—I have the honor to transmit the accompanying preamble and resolutions passed by the General Assembly of Virginia, and to request that they may be laid before the legislature of your state. I have the honour to be,

Very respectfully,
Your obedient servant,
JOHN FLOYD.

To His Excellency the Governor of Pennsylvania.

Federal Relations.

Whereas, the General Assembly of Virginia, actuated by an ardent desire to preserve the peace and harmony of our common country; relying upon the sense of justice of the people of each and every state of the Union as a sufficient pledge that their representatives in Congress will so modify the acts laying duties and imposts on the importation of foreign commodities, commonly called the Tariff Acts, that they will no longer furnish cause of complaint to the people of any particular state; believing accordingly, that the people of South Carolina are mistaken in supposing that Congress will yield them no relief from the pressure of those acts, especially as the auspicious approach of the extinguishment of the public debt affords a just ground for the indulgence of a contrary expectation; and confident that they are too strongly attached to the union of the states to resort to any proceedings which might dissolve or endanger it whilst they have any fair hope of obtaining their object by more regular and peaceful measures; persuaded also, that they will listen willingly and respectfully to the voice of Virginia, earnestly and affectionately requesting and entreating them to rescind or suspend their late ordinance, and await the result of a combined and strenuous effort of the friends of union and peace, to effect an adjustment and reconciliation of all public differences now unhappily existing; regarding moreover, an appeal to force on the part of the general government, or on the part of the government of South Carolina, as a measure which nothing but extreme necessity

could justify or excuse in either; but apprehensive at the same time, that if the present state of things is allowed to continue, acts of violence will occur, which may lead to consequences that all would deplore; cannot but deem it a solemn duty to interpose and mediate between the high contending parties, by the declaration of their opinions and wishes, which they trust that both will consider and respect: Therefore,

1. Resolved by the General Assembly, in the name and on behalf of the people of Virginia, That the competent authorities of South Carolina be, and they are hereby earnestly and respectfully requested and entreated to rescind the ordinance of the late convention of that state, entitled "An ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties and imposts on the importation of foreign commodities;" or, at least to suspend its operation until the close of the first session of the next Congress.

2. Resolved, That the Congress of the United States be, and they are hereby earnestly and respectfully requested and entreated so to modify the acts laying duties and imposts on the importation of foreign commodities, commonly called the tariff acts, as to effect a gradual but speedy reduction of the resulting revenue of the general government, to the standard of the necessary and proper expenditure for the support thereof.

3. Resolved, That the people of Virginia expect, and in the opinion of the General Assembly, the people of the other states have a right to expect, that the general government and the government of South Carolina, and all persons acting under the authority of either, will carefully abstain from any and all acts whatever, which may be calculated to disturb the tranquility of the country, or endanger the existence of the Union.

And whereas, considering the opinions which have been advanced and maintained by the convention of South Carolina in its late ordinance and addresses, on the one hand, and by the President of the United States, in his proclamation, bearing date the 10th day of December, 1832, on the other, the General Assembly deem it due to themselves, and the people whom they represent, to declare and make known their own views in relation to some of the important and interesting questions which these papers present: Therefore,

4. Resolved by the General Assembly, That they continue

to regard the doctrines of state sovereignty and state rights, as set forth in the resolutions of 1798, and sustained by the report thereon of 1799, as a true interpretation of the constitution of the United States, and of the powers therein given to the general government; but that they do not consider them as sanctioning the proceedings of South Carolina, indicated in her said ordinance, nor as countenancing all the principles assumed by the President in his proclamation; many of which are in direct conflict with them.

5. Resolved, That this House will, by joint vote with the Senate, proceed on this day, to elect a commissioner, whose duty it shall be to proceed immediately to South Carolina, and communicate the foregoing preamble and resolutions to the Governor of that state, with a request that they be communicated to the Legislature of that state, or any Convention of its citizens, or give them such other direction as in his judgment may be best calculated to promote the objects which this commonwealth has in view; and that the said commissioner be authorised to express to the public authorities and people of our sister state, in such manner as he may deem most expedient, our sincere good will to our sister state and our anxious solicitude, that the kind and respectful recommendations we have addressed to her, may lead to an accommodation of all the difficulties between that state and the general government.

6. Resolved, That the Governor of the commonwealth be, and he hereby is requested to communicate the foregoing preamble and resolutions, to the President of the United States, to the Governors of the other states, and to our Senators and Representatives in Congress.

To the Assembly Transmitting Certain Proceedings of the Legislature of Massachusetts Concerning Protection and the Impending Tariff Bill, with a Letter from the Governor of said State.

Gentlemen:

I HAVE THE HONOR TO COMMUNICATE TO the General Assembly, for its consideration, copies of a letter from the Executive of the state of Massachusetts, and of certain proceedings of the Legislature

of that state, on the subject of the protection of the domestic industry of the country, and the inexpediency, impolicy, &c. of the tariff bill now pending before the Congress of the United States.

GEO. WOLF.

Harrisburg, February 23, 1833.

Executive Department of Massachusetts,
Boston, January 23, 1833.

Sir—In discharge of an assigned duty, I have the honor, herewith, to transmit an expression of the opinions of both branches of the Legislature, and of the Executive of Massachusetts, on the subject of the protection of the domestic industry of the country, and the inexpediency, impolicy, and ruinous tendency of the tariff bill now pending before the House of Representatives of the Congress of the United States, the passage of which is deprecated as a measure fatal to the prosperity, independence and integrity of the nation, by the representatives of the people of this commonwealth.

I have the honor to be,
With great respect,
Your obedient servant,
LEVI LINCOLN,

To His Excellency the Governor of the state of Pennsylvania.

Commonwealth of Massachusetts,
Report of the joint committee; on the tariff bill.

The joint committee, appointed to consider so much of the Governor's address as relates to the proceedings of the late convention of the people of Sopth Carolina, and the purposes and policy thereof; and also the resolutions of the state of Pennsylvania thereon; and to whom have been referred the resolutions of the state of New Hampshire upon the subject of the proclamation of the President of the United States in reference to the same; have entered on the consideration of the matters entrusted to them, and respectfully submit the following report, in part.

On examining the proceedings of the late convention of the people of South Carolina, the committee find, that they announce, on the part of that state, pretensions of a novel and dangerous character, which if persisted in, and carried

out in practice, can only terminate in the destruction of the government. South Carolina claims for herself, as one of the states composing this Union, the right of annulling at discretion any act of the government of the United States, which she may regard as unconstitutional; and has undertaken to exercise this right in reference to the laws imposing duties on the importation of foreign goods. In a public act, denominated an ordinance, the convention declare, that those laws are null and void, and make it the duty of the Legislature to adopt such measures as may be necessary to prevent their enforcement within the limits of the state. The addresses and reports accompanying the ordinance set forth the reasons, by which the convention endeavor to justify their proceedings, and appeal to the people of the several states for their sanction and approval.

Such pretensions, made in so respectable a quarter, with every appearance of earnestness, and officially communicated to the government of this commonwealth, will naturally require from the General Court the expression of some opinion upon their correctness and consistency with the constitution and laws of the country. The committee accordingly propose, after the farther and more natural examination of the subject, which seems to be due to its extraordinary importance, to submit a report upon those points. In the mean time, they find, among the practical consequences of these proceedings, some which affect very deeply the interest and honor of this commonwealth, and which, from the peculiar urgency of the case, appear to call for some distinct and immediate action.

The objection made by the state of Carolina, to the laws which she has undertaken to annul, is, that they were passed for the purpose of protecting home industry. She distinctly declares, that she will not permit any laws for this purpose to be executed within her limits, and that, if an attempt be made to carry them into execution by force, she will withdraw from the Union. The Executive branch of the government of the United States has met these pretensions with a firmness that becomes the official representative of a great and enlightened people, and has declared in a public proclamation, that the laws must and will be enforced. The Legislative branch of the government will doubtless exhibit, in its final action, the same firm and dignified attitude which has been assumed by the president; but the committee have learned with regret, that a bill has been reported by one of the most im-

portant committees of the House of Representatives, and is now under discussion in that body, the object of which seems to be to remove the danger of a collision between the government of the United States and South Carolina, by granting to the latter all that she demands. This bill is incorrectly described in its title, as a bill for the reduction of the duties on imported goods. While the duties on imported goods of some descriptions are reduced by it, those on others are raised, and should the bill become a law, its general result would probably be to increase, rather than to diminish the receipts into the treasury. The real object of the bill is obviously so to modify the laws laying duties on imported goods, that they shall, in no degree, or as little as may be, afford protection to the domestic industry of the country. The passage of such a law, considered merely as a change in the economical policy of the government, would be exceedingly injurious to the best interests of the people, and in particular to the citizens of this commonwealth; and taking into view the circumstances under which it is proposed, would, in the opinion of the committee, seriously compromise the dignity and honor of the country.

1. Considered merely as a change in the economical policy of the Government, the passage of this bill would be ruinous to the best interests of the people, and, particularly of this commonwealth. It reduces to such an extent the duties on imported cotton and woolen goods, that the domestic manufacture of these articles could not be sustained. These manufactures, which have grown up under the assurance of protection from the government, now employ many millions of capital, and several hundred thousand persons. In this commonwealth, the amount of capital invested in these two branches of manufacture only—though it cannot be calculated with much exactness, is probably not less than from thirty to forty million dollars. A great part of this capital, and with it the fortune of the citizens to whom it belongs or gives employment would be destroyed forever by the passage of this bill. The effect of the passage of the bill on the growth of wool, and on the manufacture of iron and sugar would not be less injurious. It would in short, prostrate at a blow all the principal branches of domestic manufacturing industry.

The fatal effect of such a measure upon the public welfare, hardly needs to be specified. The importance of domestic manufactures, as a home market for the products of agriculture, as a security for the national independence, as a means

of increasing the wealth and population, extending the comforts, and elevating the civilization of the community, is universally admitted. The most enlightened nations have always been ready to make great sacrifices for the sake of naturalizing, within their own limits, these valuable establishments. Our own government has, for fifty years, uniformly, perseveringly, and successfully, pursued the same policy. The small tax which it has imposed upon us, in the increased price of some articles, has been repaid in a thousand different shapes, in the augmented prosperity of the country. After we have thus, for half a century, fostered our domestic manufactures with increasing care, until we have finally brought them to their present flourishing condition, is it politic, patriotic, consistent, to turn upon them suddenly, and by a single wanton act of power, crush them all at a blow? Would not an act of this kind appear to be dictated rather by wild caprice, than by the sober and prudent calculation which ought to prevail in the councils of a great people.

It is obvious that such a proceeding could only be justified by some very strong and urgent motive. In the present instance none whatever can be found. The pretext alleged by South Carolina for desiring the repeal of the protecting duties, is, that they are unequal in their operation—that they press more heavily upon her industry than upon that of the north, and have reduced her to a state of comparative decay. But these allegations, which are sustained only by fine-spun metaphysical disquisitions on political economy, are wholly at variance with notorious facts. It is known to every impartial inquirer, that the establishment of home manufactures, by opening a new market for the staple products, exercises a most beneficial influence on the prosperity of the planting states, and that, if some of these have in fact declined at all, it has been, not in consequence of the tariff, but of the opening of richer soils in the new South Western States. The pretence alleged by the framers of the bill is the necessity of reducing the revenue, in consequence of the diminution of the public expenses resulting from the payment of the national debt. This is still more futile than the other. If it be the object of the bill to reduce the revenue, why does it restore the duties on tea and coffee? Are the framers of the bill ignorant of the known familiar fact, that a diminution of the duties on imported Goods, by increasing the importation, generally increases the aggregate receipts. The effect of the bill, should it become a law, would probably be, as your

committee have already remarked, not to diminish, but to increase the receipts into the Treasury. The framers of it cannot be ignorant of this, and the real object in proposing it, must therefore of necessity be different from the professed and ostensible one.

If it were for any sufficient reason really expedient to change in this way the long established economical policy of the country, the plainest considerations of humanity and justice would dictate, that the change should be made very gradually, so that the citizens, whose property is invested in manufactures, might be able to disengage it with the least possible loss. No greater political evil can well be imagined, than violent and sudden changes of the laws on any subject, and where such changes are of a nature to affect immediately the welfare of individuals, they can only be excused by the severest necessity. The force of this consideration has been heretofore acknowledged, even by the opponents of the protecting policy, and was kept in view in all previous projects for the reduction of duties. It is now, for the first time, seriously proposed to effect at once a reduction of large enough to destroy the most flourishing establishments, and to carry desolation through the whole manufacturing interests of the country.

Such is the character of the bill, considered merely as a change in the economical policy of the government. The objections to it, which your committee have stated in the most concise form, but which are too familiar to the public mind, not to occur at once with all the necessary development to every one, are plain, obvious, palpable. They cannot, it would seem, be overlooked or disregarded by any sincere and enlightened friend of the country. Strong as they are, they are, however, if possible, inferior in importance to those which are suggested by a view of the circumstances under which the bill is proposed.

2. Considering the circumstances under which it is offered, the bill amounts to a proposal to surrender the rights and interests of the whole people to the menaces of a single state, and the passage of it into a law would seriously compromise the honor and dignity of the government.

A few months only have elapsed, since the present Congress, with great consideration, and after many months of long and anxious debate, passed an impost law, which was to take effect from and after the first day of next March, and which has of course not yet gone into operation. No law has ever been passed in this country, upon which the people at large or

their representatives in Congress, have bestowed more time, labor and attention, than upon this. Two great conventions were successively held, masses of materials in the form of reports and statistical documents were collected, and months of debate were employed in bringing it to perfection. It was a law of reduction — constructed on the professed principle of compromise, with a view of satisfying, by every reasonable concession, the discontents of the South. It was adopted by an unusually large and gratifying majority, composed of moderate men of all parties. The repeal of a law made with so much labor and caution, before it has even gone into operation, is a measure, which could obviously be justified only by some very important political event occurring in the interval. It is a measure which in the nature of things would never be proposed, excepting as a consequence of some such change. What event then has occurred, since the adoption of the impost law of the last session of Congress, of a nature to lead to such a proposal?

The only event which has taken place since the last session of Congress, that has any bearing at all on the subject, is the declaration of the South Carolina convention, that that state would secede from the Union unless the protecting policy be forthwith abandoned. The bill, reported by the committee of ways and means of the House of Representatives, proposes the immediate abandonment of the protecting policy. Does it require any argument to make it appear, that the report of this bill is one of the results of the South Carolina conventions? Does it require any argument to shew, that the passage of such a bill, reported under such circumstances, into a law, would be as inconsistent with the honor as it would be with the interest of the country?

Your committee think not, and conceiving it to be of great importance that the opinion of this General Court should be distinctly and promptly expressed upon the subject, they respectfully submit the following resolves.

All of which is respectfully submitted.

By order of the Committee.

A. H. EVERETT, Chairman.

Resolves,

In relation to a bill now pending in the Congress of the United States.

Whereas, the committee of ways and means of the House of Representatives of the United States, have reported a bill

for the further reduction of the duties on imported goods, the passage of which into a law would materially affect the interests of the people of this commonwealth; and

Whereas, it is important that the opinion of the General Court should be expressed upon the subject, in order that the Senators and Representatives of this commonwealth may be better enabled to understand, and give effect to the wishes of their constituents; Therefore,

1. Resolved, by the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled, That the passage into a law of the bill for the further reduction of the duties on imported goods now pending in the House of Representatives of the United States would prostrate the principal branches of our domestic manufactures, destroy our agricultural enterprize, paralyze our commerce and fisheries, and condemn to bankruptcy and ruin thousands of our most industrious and enterprizing citizens, and materially affect, in the most injurious manner, the prosperity of the whole country.

2. Resolved, That it is the usage and the duty of enlightened and prudent governments to proceed with great deliberation in their legislation on all important subjects, and that no greater political evil can well be imagined, than frequent and rapid changes of the laws, especially such as affect the property and industry of the citizens; — that for Congress, after having recently revised the revenue laws with great consideration, and made a new arrangement of them by an unexpectedly large and satisfactory majority, to take up the subject again before the new law has even gone into operation, and at a short session when the little time at their disposal is plainly insufficient for a careful examination of it, would be a proceeding manifestly at variance with the plainest rules of discretion, and only to be justified by the intervention of some very great change in the political situation of the country.

3. Resolved, That since the passage of the law of the last session of Congress, which has not yet gone into operation, no change has occurred in the political situation of the country of a nature to affect the action of the government upon the subject, except the assembling, and acts of the South Carolina convention, by which that state threatens to secede from the Union, unless the protecting policy be immediately abandoned; and that these proceedings, far from affording a sufficient motive for new legislation on the subject at the

present moment, would form of themselves a strong objection to it; that no moment could well be imagined less favorable for a cool and dispassionate examination of any general subject, than one in which it should be accidentally embarrassed by a particular incident of a novel, dangerous and irritating character, and that a prudent, firm, and patriotic government would on no account expose the great interests of the people to the risk which they would run, by being debated and decided upon in the midst of civil commotions.

4. Resolved, That the bill now reported by the committee of ways and means, is not merely an injudicious and impolitic attempt to legislate, under circumstances unfavorable to a calm and cool consideration of the subject, but wears upon the face of it the aspect of submission, and that it grants substantially what South Carolina demands; that, taking into view, in connexion with its tenor and objects, the manner in which it has been brought forward, and pressed upon the consideration of Congress, it amounts to nothing less than a proposal to sacrifice, and that in a precipitate manner, inconsistent with our ideas of national honor and dignity, the rights and property of twenty-three of the states to the menaces of one.

5. Resolved, That while we cannot for a moment anticipate the possibility of the passage into a law of a bill of this description, in a Congress which, within a few months, has, by a large majority, pledged itself to the policy which it is now propesed to abolish, we yet deem it our duty formally to protest against the adoption of the measure proposed, as subversive of the best interests of the country, derogatory to the national honor, and involving a gross and palpable abuse of power in the government.

6. Resolved, That whilst the people of this commonwealth, in the spirit of patriotism and of fraternal conciliation, are ready, at all times, to submit to such reasonable changes of national policy, as the deliberate judgment of the whole country shall require from the common good, they are not bound silently to acquiesce in destructive revolutions in the principles, and policy, effected by threats of violence through the forms, but in contempt of the spirit and power of the constitution.

7. Resolved, That our Senators in Congress be instructed, and our Representatives requested to use all the means in their power to prevent the bill reported by the committee of ways and means from passing into a law.

8. Resolved, That His Excellency the Governor be requested to transmit a copy of these resolves, with the report preceding them, to each of the Senators and Representatives of the commonwealth in Congress, and to the Governors of all the states.

To the Assembly Transmitting Certain Proceedings of the Legislature of Ohio Concerning the South Carolina Ordinance and Call for a Convention of the States, and the President's Message Relative Thereto.

Gentlemen:

I HAVE RECEIVED FROM THE GOVERNOR OF the state of Ohio certain proceedings of the Legislature of that state in relation to the South Carolina Ordinance, to the call of a convention to amend the constitution of the United States, and to the proclamation and message of the President of the United States, copies of which I have directed to be laid before you.

GEO. WOLF.

Harrisburg, March 6, 1833.

Executive Office,
Columbus, Ohio, February 26, 1833.

Sir—I have the honor to transmit the accompanying preamble and resolutions passed by the General Assembly of Ohio, on the 25th instant, to wit, A preamble and resolutions on the subject of the South Carolina Ordinance, resolution in relation to the call of a convention to amend the constitution of the United States, and a resolution relating to the president's proclamation and message.

I have the honor to be,
Very respectfully,
Your obedient servant,
ROBERT LUCAS.

To His Excellency the Governor of Pennsylvania.

Preamble and resolutions on the subject of the South Carolina ordinance.

Whereas, his Excellency the Governor, has transmitted to this General Assembly the ordinance of the late convention of the people of South Carolina, together with the proceedings of that body, whose object appears to be, a resistance to the collection of duties, imposts, &c., upon foreign commodities, imported into that state, by nullifying the acts of Congress, providing for the levying and collecting such duties. And this General Assembly cannot but view, with the deepest regret, the avowed determination of a majority of the citizens of the State of South Carolina, to resist the operation of the laws of the general government, in the manner pointed out by the ordinance adopted by their late convention; and we have no doubt that such a course, if persisted in, must inevitably lead to consequences the most disastrous and ruinous to the peace, prosperity and happiness of our common country.

Being connected as we are with our brethren of South Carolina by the strongest ties of consanguinity, and endeared by the mutual reciprocity of friendly intercourse and national attachment, and being sensible of the importance of our connection as states belonging to the same Federal Union, we cannot but deprecate every effort or measure which is calculated, in the remotest degree to operate to the severance of any of those ties, or render doubtful the permanent existence of our confederacy. And entertaining as we do the most explicit confidence in the wisdom, justice and integrity of the general government, we are well persuaded that no partial evil would be permitted to exist in any particular section of the Union should it not be apparent that such evil was fully overbalanced by a general benefit afforded by the same policy out of which that evil was found to spring up. Such evils, if such exist, we should endeavor to remedy in a spirit of moderation and good faith, to the end that the unparalleled prosperity of the whole Union, unequalled as it is in the history of civilized man, may not be intercepted or paralized in any of its parts.

Believing that the prosperity and independence of this republic mainly depend upon the general peace and harmony which ought to exist among the several states, and that all should ever keep in view the adopted maxim "united we stand, divided we fall;" we feel it a duty, therefore, as American citizens, to cling with pertinacity to the constitution of

the United States, and to the preservation of the Union of the states. We cannot, therefore, view with indifference, much less can we lend our aid to any measure which is calculated to disturb the integrity of that Union.

Resolved, therefore, by the General Assembly of the state of Ohio, that we view with the deepest regret the unhappy movements and apparent determination of the late convention of the people of South Carolina to nullify the laws of the general government, made in conformity to the constitution of the United States.

Resolved, That the Federal Union exists in a solemn compact entered into by the voluntary consent of the people of the United States, and of each and every state, and that therefore no state can claim the right to secede from or violate that compact, and however grievous may be the supposed or real burthens of a state, the only legitimate remedy is in the wise and faithful exercise of the elective franchise, and the solemn responsibility of the public agents.

Resolved, That the doctrine that a state has the power to nullify a law of the general government, is revolutionary in its character, and is in its nature calculated to overthrow the great temple of American liberty; such a course cannot absolve that allegiance which the people of this Union owe to the supremacy of the laws.

Resolved, That in levying and collecting duties, imposts and excises whilst the general good should be the primary object, a special regard ought to be had to the end, that the interest and prosperity of every section of the country should be equally consulted, and its burthens proportionably distributed.

Resolved, That the first object of the American people should be, to cherish the most ardent attachment to the constitution and laws of this Union; and as a first and paramount object of a free people we should use every honorable means to preserve the honor and integrity of the Union.

Resolved, That the Governor be requested to transmit copies of (the) foregoing preamble and resolutions to the President of the United States, and to the Executives of the several states.

February 25th, 1833.

Resolution

In relation to a call of a convention to amend the constitution of the United States.

Resolved, by the General Assembly of the state of Ohio, That in the opinion of this General Assembly it is expedient at the present time to apply to the Congress of the United States for a call of a convention of the people to amend the constitution of the United States, or to call a convention of the states to consider and define questions of disputed powers which may have arisen between any state of this confederacy and the general government.

Resolved, further That his Excellency, the Governor, be and he is hereby requested to transmit copies of the foregoing resolution to each of the Executives of the several states of this Union, for the consideration of the Legislatures thereof.

February 25th, 1833.

Resolution

Relating to the President's proclamation and message.

Resolved, by the General Assembly of the state of Ohio, That this Legislature do cordially approve of the exposition of the principles of the constitution of the United States, touching the pernicious doctrines of nullification and secession set forth in the proclamation of the President of the United States, of the tenth of December last, and in his late message to Congress, and that this Legislature do also feel the strongest assurance that the principles contained in that exposition, will be firmly sustained by the people of Ohio.

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to the President of the United States, to the Executive of each of the United States, and to each one of our Senators and Representatives in Congress.

To the Assembly Concerning the Resignation of John Wallace, a Justice of the Peace of Allegheny County.

Gentlemen:

AN ADDRESS RECENTLY ADOPTED BY THE Senate and House of Representatives, has been presented to me, requesting the removal of John Wallace, a justice of the peace of Allegheny county,

from office. It is proper that the Senate and House of Representatives should be informed that John Wallace, by a letter, dated at Pittsburg, the fourth of March, instant, tendered his resignation of the office of justice of the peace for Pitt and Wilkins townships, in the county of Allegheny, to the Executive, and that the said resignation has been accepted; which, it is believed, supercedes the necessity of further proceedings in relation to that subject.

GEO. WOLF.

Harrisburg, March 20, 1833.

To the Assembly Transmitting Certain Legislative Documents of the State of New York concerning the Proceedings of the Convention of the People of South Carolina.

Gentlemen:

I HAVE RECEIVED FROM THE GOVERNOR OF the state of New York, a communication enclosing a report of a joint committee from the Senate and Assembly of that state, together with joint resolutions, passed by those two branches of its Legislature, relative to the proceedings of a convention of the people of South Carolina, which I am requested to lay before you.

GEO. WOLF.

Harrisburg, March 20, 1833.

State of New York,
Executive Department,
Albany March 6, 1833.

Sir—I have the honor herewith to transmit to you a copy of the report of a joint committee of the Senate and Assembly of the state, and joint resolutions passed by these two

branches of the Legislature, relative to the proceedings of a convention of the people of South Carolina.

I am, with great respect,

Your ob't serv't,

W. L. MARCY.

His Excellency, the Governor of Pennsylvania.

Report.

The right claimed by the state of South Carolina, to make void the laws of the United States within her territory, is so fully set forth in the Ordinance and Documents before the Legislature, and so well understood, that a precise statement, in this report, of its nature and extent, would be superfluous.

The committee have considered the claim, thus set up, with the attention due to the high respectability of the source from which it emanated, and to the very grave consequences that would unavoidably result from its establishment; and they concur with the Governor in regarding it as a pretension, "not merely unauthorised by the Constitution of the United States, but fatally repugnant to all the objects for which it was framed."

The unfounded nature of the authority asserted by South Carolina, has been so clearly demonstrated in the Proclamation of the President of the United States, which has been published by order of the Legislature, and now on its files; and is so fully confirmed by the concurring opinions of the people of every other state in the Union; that it cannot be necessary that the committee should attempt to shed any additional light upon a subject, in respect to which the argument may, with so much truth, be said to be exhausted.

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The committee respectfully suggest, for the consideration of the Legislature, the following resolutions:

State of New York,

In Senate, February 16th, 1833.

Resolved (if the Assembly concur), That we approve of the general views and conclusions of the preceding report.

Resolved (if the Assembly concur), That we regard the Union of these States as indispensable to their prosperity and happiness; that we participate fully in the desire which has been manifested by the President to restore harmony and conciliate affection amongst all the people of the United States, by a seasonable and equitable modification of the Tariff, adapt-

ing it to the present condition of the country; that we approve the measures he has adopted and recommended to sustain the authority and execute the laws of the United States; and that the government and people of this state will cordially co-operate with him in the exercise of all the means which may be necessary and proper to secure those objects.

Resolved (if the Assembly concur), That we regard the right of a single state to make void within its limits the laws of the United States, as set forth in the Ordinance of South Carolina, as wholly unauthorised by the Constitution of the United States, and in its tendency subversive of the Union and the Government thereof.

Resolved (if the Assembly concur), That we do dissent from the doctrine, that a single state has a right to withdraw itself from the Union against the wishes of its co-states, whenever in its sole judgment the acts of the Federal Government shall be such as to justify the step.

Resolved (if the Assembly concur), That the Governor be requested to transmit a copy of the foregoing report and resolutions to the Executive of the state of South Carolina, and to the Executives of the other states respectively, to the end that they may be communicated to the Legislatures thereof, and also a copy of the same to the President of the United States, and to each of our Senators and Representatives in Congress.

State of New York,
In Assembly, February 23d, 1833.

Resolved, That this House do concur with the Senate in their said resolutions.

To the Assembly with Papers from Alabama Concerning the Tariff and other Proceedings of South Carolina.

Gentlemen:

I HEREWITH TRANSMIT TO THE GENERAL ASsembly, copies of a communication received from the Governor of the state of Alabama, enclosing certain resolutions of the Legislature of that state in

relation to the tariff and the recent proceedings on the part of the state of South Carolina.

GEO. WOLF.

Harrisburg, March 21, 1833.

Executive Department,
Tuscaloosa, Ala., February 28, 1833.

Sir—I have the honor to transmit to you the annexed resolutions and recommendations, with the request that your Excellency will submit them to the legislature of Pennsylvania.

With high consideration,
I have the honor to be,
Your obedient servant,
JOHN GAYLE.

Report of the select committee of the House of Representatives, to whom was referred so much of the message of the Governor, as relates to the Tariff, to the principle of protection and to the doctrine of Nullification.

The select committee to whom was referred so much of the message of the Governor as relates to the tariff, to the principle of protection and to the doctrine of nullification, have had the same under consideration, and have instructed me to report a preamble and resolutions, which they respectfully submit to the House for its adoption.

Your committee deeply impressed with the present alarming crisis in our history, have given to the subject that profound consideration, which its paramount importance so justly demands.

So much has been said and written on the subject submitted to them, that they may be said to be exhausted, and they will therefore submit a very few remarks prefatory to the resolutions, which they recommend to the adoption of the House.

In a country of such vast extent as the United States, embracing such a variety of soil, climate and products, and inhabited by a people whose pursuits are as various as the climate under which they live; any attempt on the part of the government to force manufactures into existence, by governmental bounties, must of necessity operate unequally, and therefore be unjust.

If it be a truth, not now to be questioned, that no government can justly take from one portion of its citizens a part of their property, to benefit another, it is more especially

unjust in a country like ours, composed of different states, who are united in one common bond, only for the purpose of providing for the common defence, of promoting the general welfare, and securing the blessings of liberty to themselves and prosperity. For these purposes this union was formed, and it cannot be supposed, that those who consented to it, intended by implication and construction to confer on the general government powers destructive of their happiness and best interest. Laws having their operation, and professing to derive their authority from the constitution under which being opposed to the true interests of every section of the republic, and unjust in their operation on the Southern States, even if sustained by the letter of the constitution, are contrary to its spirit and at war with the greatest scope and tenor of that instrument.

It cannot be believed, that if the framers of the constitution had assigned the exercise of such a power, as the right to create and protect domestic manufactures, by a system of high duties, that it would have been left to inference or implication; its framers therefore could not have intended that such a power should be exercised. This reasoning is founded on, and these results drawn from the instrument itself; but in addition thereto, contemporaneous history informs us, that in the convention which framed the constitution, it was proposed in various modes to give that power to Congress, and refused.

It is the exercise of this power, which a large majority of the South believe to be against the spirit of the constitution, and no inconsiderable number, contrary to its express letter, which has driven them to consider their government as foreign to their interests and alien to their feelings. Instead of looking up to it with pride and veneration, as the world's last hope, and as the favorite resort of freedom, no inconsiderable portion of the South have begun to estimate its value; and to contemplate even disunion itself, as an evil less formidable than submission to the exertions of the government.

And now at this fearful crisis, when one of our co-states has assumed the alarming attitude of declaring an act of Congress void within her limits, and the note of preparation is sounded to sustain this attitude by force, what shall Alabama do? Our answer is, never despair of our country. We believe that there is a vital energy, a living principle inherent in our constitutions, and a sense of justice residing in the

bosoms of our fellow citizens, which, when properly appealed to, must succeed. We concede that our northern brethern believe that they are acting within the pale of the constitution; but can it be believed that they will, by insisting on the obnoxious duties, peril the union of these States, and make shipwreck of the last hope of mankind? Can any pecuniary benefit compensate for results like these? If blood be shed in this unhallowed contest, a wound will be inflicted which may never be healed; to confidence will succeed distrust, mutual recriminations, and mutual injuries, and the choicest blessings of Heaven, by the madness and folly of man, will be converted into the most deadly poison.

Deeply impressed with these views, we recommend the adoption of the following resolutions, which we are satisfied embody the opinions of our constituents, and in their name propose to our co-states, a federal convention.

Be it resolved by the Senate and House of Representatives of the state of Alabama, in General Assembly convened, That we consider the present tariff of duties, unequal, unjust, oppressive and against the spirit, true intent and meaning of the constitution; that if preserved in, its inevitable tendency will be to alienate the affections of the people of the southern states, from the General government.

And be it further resolved, That we do not consider the tariff if 1832, as fastening upon the country, the principle of protection, but that we receive it as the harbinger of better times, as a pledge that Congress will at no distant period, abandon the principle of protection altogether, and reduce the duties on imports to the actual wants of the government, levying those duties on such articles as will operate most equally on all sections of the Union.

And be it further resolved, That nullification, which some of our Southern brethren recommend as the constitutional remedy for the evils under which we labor, is unsound in theory and dangerous in practice; that as a remedy it is unconstitutional and essentially revolutionary, leading in its consequences to anarchy and civil discord, and finally to the dissolution of the Union.

And be it further resolved, That we earnestly intreat the people of this state, not to distrust the justice of the General Government, and to rest satisfied, though long delayed, it will certainly be accorded to them. And above all things, to avoid those dangerous and unconstitutional remedies proposed for their imitation and adoption, no matter how spe-

cious their exterior, which may lead to bloodshed and disunion, and will certainly end in anarchy and civil discord. And at the same time, we most solemnly adjure the Congress of the United States, in the name of our common country to abandon the exercise of those dubious and constructive powers, claimed under the constitution, the assertion of which has produced jealousy, excitement and dissatisfaction to the government, and if persevered in, will in all human probability, dissolve this Union. By this means, and by this alone, can we be prevented from fulfilling our high destinies, and our onward march to greatness be arrested.

And be it further resolved, That as we have now, for the first time in the history of our country, presented to us the appalling spectacle of one of the states of this Union arraying herself against the General Government, and declaring sundry acts of Congress void and of no effect within her limits, presenting to Congress the alternative of repealing the obnoxious laws or permitting her secession from the Union, and preparing by an armed forced to sustain the position she has assumed; and as we cannot silently look on and witness the failure of the high raised hopes and just expectations of those patriots who cemented our liberty with their blood: Therefore, as a last resort, we recommend to our co-states the calling of Federal convention, to meet in the city of Washington on the first of March, 1834, or at such other and place as may be agreed on, which shall be authorised to derive and recommend such plan which will satisfy the discontents of the south, either by an explicit denial of the right of Congress to protect domestic industry by duties on imports laid for protection, or by defining and restricting the power aforesaid within certain prescribed limits, and making such other amendments and alterations in the constitution as time and experience have discovered to be necessary.

Resolved, That the Governor be desired to transmit a copy of the foregoing resolutions to the President of the United States, and the Executive of each of the states, with a request that the same may be communicated to the Legislatures thereof.

Resolved further, That the Governor furnish a copy of said resolutions, to each of the Senators and Representatives of this state in the Congress of the United States.

Approved, January 12th, 1833.

Recommendations of the General Assembly of the state of Alabama to the President of the United States, to the state of South Carolina, and to the different states.

The General Assembly of the state of Alabama have received and considered with absorbing interest, the late Ordinance of South Carolina, with the Address of the co-states accompanying the same, together with the proclamation of the President of the United States, consequent thereon. The attitude assumed by the state of South Carolina, and the government of the United States, through its Chief Magistrate, forbodes a crisis which threatens the peace of society and the harmony of the Union, and which should be deplored by every one who loves his country and liberty. The existence of our constitution and the integrity of the Union, require the instant exertion of that patriotism, forbearance and virtue, which have hitherto characterised the history of our government. Omitting, on this occasion, to enter into the causes which have produced the present afflicting posture between the state and Federal Government, this General Assembmly now affectionately and solemnly appeals to the Congress of the United States, and to the state of South Carolina, for that forbearance, patriotism and virtue, which alone can restore, by mutual sacrifice of opinion, harmony, peace and prosperity to our common country. The only bonds of our union, and the sole preservatives of rational and constitutional liberty, are a strict adherence on the part of the constituted authorities, to the principles of our government, the affection of the people for that government, and a firm persuasion of the equality and justice of its administration, aided by a spirit of forbearance on the part of those states who may depend from the opinions of the majority.

To this end, the General Assembly of Alabama recommend to the Congress of the United States, a speedy modification of the tariff laws in such manner as to equalise their burthens, and cause only so much revenue to be collected as will be necessary to pay the expenses of the Government, in its constitutional and economical administration. This assembly further recommends to the Congress of the United States, as she has already done to her co-states, the call of a federal convention, to propose such amendments to our federal constitution as may seem necessary and proper, to restrain the Congress of the United States from exerting the taxing power for the substantive protection of domestic manufactures. This Assembly further earnestly recommends to the

state of South Carolina, to suspend the operation of her late Ordinance, that the unfortunate collision of powers between that state and the government of the United States may be amicably adjusted, in such manner as not to impair the rights and powers granted to the General Government, or retained and reserved to the states or the people, by the constitution. This General Assembly further urgently recommends to the state of South Carolina, to abstain from the use of military power in enforcing her Ordinance, or in resisting the execution of the revenue laws of the United States. And this General Assembly, with equal earnestness, recommends to the government of the United States, to exercise moderation and to employ only such means as are peaceful and usual to execute the laws of the Union. The General Assembly of this state further recommends to her co-states, to concur with this state in the foregoing recommendations.

Resolved, That the Executive of this state be requested to transmit copies of the foregoing recommendations, to the Executive authorities of each of the United States, to the President of the United States, and to our Senators and Representatives in Congress with instructions to lay the same before the Congress of the United States.

Approved, January 12, 1833.

To the Assembly Transmitting Certain Proceedings of the Legislature of Mississippi Concerning the Doctrine of Nullification.

Gentlemen:

A COMMUNICATION HAS BEEN RECEIVED from the Executive of the state of Mississippi enclosing certain proceedings of the Legislature of that state, expressive of their attachment to the Union and disapproving, in unqualified terms of the doctrine of nullification, copies of which will be laid before you.

GEO. WOLF.

Harrisburg, March 25, 1833.

Executive Office, Mississippi,
Jackson, February 6th, 1833.

Sir The resolutions which I have the honor herewith to enclose, are forwarded in compliance with a requisition made

on me by the Legislature of this state, with a request that your Excellency will lay them before the Legislature of the state over which you preside.

I have the honor to be with much respect,
Your Excellency's obedient servant,
A. M. SCOTT.

To His Excellency, George Wolf, Governor of the state of Pennsylvania:

The select committee to which was referred "so much of the Governor's message as relates to the resolutions from the states of Louisiana, Maine, New Hampshire and Pennsylvania with the accompanying documents," beg leave to report: That they have had them under consideration, and would recommend, in regard to the resolution first named, the adoption of the following resolution.

* * * * * * * *

In relation to the resolutions from the states of Maine, New Hampshire and Pennsylvania, and that portion of the message which points to the consideration, your committee would express the belief that the sentiments of a majority of the people of this state, in regard to the subjects to which they relate, are in accordance with those expressed by the General Assembly in the year 1829, declaring the tariff law of 1828, so far as it contemplated a system of protection carried beyond the manufacture of such articles as are necessary to the national defence, to be "contrary to the spirit of the constitution of the United States, impolitic and oppressive in its operation on the Southern States, and should be resisted by all constitutional means." But fearful lest false inferences should be drawn from this expression of public opinion; inferences, calculated to induce a belief that this state is prepared to advocate and uphold the disorganizing doctrines recently promulgated in South Carolina, your committee deem it their duty to speak plainly, and to undeceive their sister states in this respect. We are opposed to nullification. We regard it as a heresy, fatal to the existence of the Union. "It is resistance to law force—it is disunion by force—it is civil war." Your committee are constrained to express the opinion, that the state of South Carolina has acted with a reckless precipitancy (originating, we would willingly believe, in delusion), well calculated to detract from her former high character for wisdom in council, purity of patriotism, and a solicitous regard for the preservation of those funda-

mental principles, on which alone rest the peace, the prosperity, and permanency of the Union. Your committee deeply deplore the alarming crisis in our national affairs; they regret it the more as proceeding from the unwarrantable attitude assumed by a sister of the south whose best interests are identified with our own. In the spirit of brethren of the same family, we would invoke them to pause—to harken attentively to the paternal, yet ominous warning of the executive of the Union. We would conjure them to await patiently the gradual progress of public opinion; and to rely with patriotic confidence on the ultimate decision of the talented statesmen and pure patriots in the congress of the United States. But they would also loudly proclaim that this state owes a duty to the Union, above all minor considerations. That she prizes that Union less than liberty alone. That we heartily accord in the general political sentiments of the President of the United States, as expressed in his recent proclamation; and, that we stand firmly resolved, at whatever sacrifice of feeling, in all events, and at every hazard to sustain him in enforcing the paramount laws of the land, and preserving the integrity of the Union, that Union whose value we will never stop to calculate; holding it as our fathers held it, precious above all price. Your committee would therefore recommend the adoption of the following resolutions.

Be it resolved, by the legislature of the state of Mississippi, That in the language of the father of his country, we will "indignantly frown upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the ties which link together its various parts."

2. Resolved, That that doctrine of Nullification, is contrary to the letter and spirit of the constitution, and in direct conflict with the welfare, safety and independence of every state in the Union; and to no one of them would its consequences be more deeply disastrous, more ruinous than to the state of Mississippi; that state in which are concentrated our dearest interests; around which cling our most tender ties; the fair land of our nativity or adoption; the haven of our hopes, the home of our hearts.

3. Resolved, That we will, with heart and hand, sustain the President of the United States, in the full exercise of his legitimate powers, to restore peace and harmony to our distracted country, and to maintain unsullied and unimpaired, the honor, the independence and integrity of the Union.

4. Resolved, That the Governor of the State be, and he is hereby required to transmit a copy of the last resolutions,

with the preamble, to our Senators and representatives, in Congress, also to the Governors of the different states, with a request that the same may be laid before their respective legislatures.

To the Assembly Vetoing "An Act to Incorporate the Farmers' and Manufacturers' Bank of Delaware County."

Gentlemen:

I HAVE EXAMINED AND MATURELY CONSIDered bill No. 27, entitled "An act to incorporate the Farmers' and Manufacturers' Bank of Delaware county," and sincere as my desire is to concur with the General Assembly, in all their acts and measures not prohibited by the constitution, nor essentially inconsistent with the public interests, or which exhibit questions of expediency only; I am nevertheless constrained to withhold my assent from the bill in question, under a firm conviction, that if no immediate benefit shall result to the community in which we live, from my non-concurrence, I shall, at least, have the satisfaction to know, that I have done my endeavor to save that community from, what I conscientiously believe to be, an alarming and much to be dreaded evil now manifesting itself, in an excited but morbid spirit for banking and its concomitant speculation, generally ending, as experience has heretofore taught us, in a state of depression, distress and ruin. I have therefore directed the Secretary of the Commonwealth to return the bill to the House of Representatives in which it originated, with the following reasons for my dissent.

First—The Bank of Delaware county, established at Chester, in that county, by the act of 1814, with a capital of two hundred thousand dollars, of which the sum of seventy-seven thousand five hundred and ten

dollars, only, has been called for and paid in by the stockholders, is believed to be entirely adequate to the wants and necessities of the people, and to furnish all necessary accommodations for facilitating and giving a healthful and vigorous impulse to the prosecution of the various branches of industry in progress within the county. One hundred and twenty two thousand four hundred and ninety dollars, of the capital stock of that bank, a sum considerably greater than the whole amount of capital of the bank proposed to be created by the bill under consideration, has never been required to be paid over by the stockholders. The very fact, therefore, that so small an amount of the capital of the exisiting bank has been called for by the directors, furnishes strong, if not conclusive evidence, that a greater amount of banking capital has not, hitherto, been considered necessary for the accommodation of the people of Delaware county, and that an additional bank is not needed, and would answer no useful purpose for mere public accommodation; especially as the Bank of Delaware county, by calling in the residue of its capital, may increase its discounts and extend its business beyond its present operations, to an extent far exceeding that which the bank contemplated by the bill in question, would, from its limited capital, be enabled to do.

Second—If the bank proposed to be established by the bill under consideration had stood alone, and entirely unconnected with the general press for the incorporation of similar institutions, from various parts of the state; manifest as it is that it cannot be required for any useful purpose, the passage of the bill might, perhaps, have been tolerated upon the ground of comity, petition, or some other plausible pretext; but we cannot shut our eyes against the alarming fact, that this bill is but one of a batch of bills numbering, it is believed, not less than twenty-three, providing for the

incorporation of a like number of banks, reported to the Legislature in the course of the present session; by which it is proposed to add to the existing banking capital within the commonwealth, the further sum of six millions nine hundred and fifty-five thousand dollars. It must be obvious to the plainest capacity, what a state of things such an addition to the number of banks and to the banking capital already in operation within the commonwealth, must necessarily produce. It does not appear that there is any want of banking capital, at present, in the state of Pennsylvania, (except perhaps in some of our manufacturing communities,) to discount all the good paper that is offered, or to afford any and every accommodation that prudence would justify, or our citizens could reasonably require; most, if not all, of the banks now in operation in this commonwealth, it is believed, are conducted upon correct principles, and based upon solid foundations as to capital, and it is believed to be a fact, that many of them would gladly extend their discounts, provided a safe business offered. Under such circumstances, should the proposed number of banks, or any considerable portion of them, be added to those already in existence, the inevitable consequence must be, that the new institutions must either remain altogether inoperative, or they must invite business; which latter would be most likely, as they would not be willing to remain passive spectators of the operations of their more prosperous and successful neighbors: Speculation, in all its destructive varieties, would thus be encouraged; a fictitious, unsound value would be given to property; excessive issues of banking paper would inundate the country; a brief but forced show of prosperity would be produced; ending, as all such ephemeral excitements, founded upon speculation based upon borrowed capital inevitably must end, in speedy depression, bankruptcy and ruin.

Third—The currency of the commonwealth is, in the present state of our banking institutions, considered by all as being entirely sound, uniting, in the language of the committee on banks, "all the requisites of a perfect circulating medium;" in that condition I fell desirous it should remain, and would therefore refrain from doing any act by which its healthful condition might be endangered, or its character for solidity and soundness in any manner tarnished or impaired. An increase of banks in situations where the business of the community is not of a character to require it, would lead to such results; and as the rage for such increase seems to be gaining strength in every part of the state, it seems to me that in order to preserve the state from return to a period of ruin and distress, such as it has but recently escaped from, it is best that the evil should be met and resisted in its inception, and the country saved from the disasters which a temporizing or yielding policy would be sure to entail upon it. These are my own views of this important subject, hastily thrown together. Should the General Assembly differ from me in opinion, and believe me to be in error, it is in the power of a constitutional majority to set the matter right.

I have also examined and considered the bill entitled, "An act to incorporate the Merchants' and Manufacturers' Bank of Pittsburg;" and believing that the city of Pittsburg does require an extension of its banking capital, to afford the facilities and aids necessary to a vigorous and prosperous prosecution of the various and extensive commercial and manufacturing enterprizes in which its citizens are engaged, I have approved and signed the same, and directed the Secretary of the commonwealth to return it to the House of Representatives in which it originated.

GEO. WOLF.

Harrisburg, March 29, 1833.

To the Assembly Vetoing "An Act to Establish the Farmers' and Traders' Bank of Philadelphia."

Gentlemen:

THE BILL ENTITLED AN ACT TO ESTABLISH the Farmers' and Traders' bank of Philadelphia, has been laid before me, and after a careful examination of its provisions, and a full and deliberate consideration of the circumstances connected with it, and the grounds upon which its passage has been urged, I regret that I cannot, by any just process of reasoning, bring myself to the conclusion that a bank in the place where this is proposed to be located is at all called for, either for public accommodation, for the advancement of trade, for affording facilities to manufacturers, or for any other subject at all commensurate with the disadvantages generally resulting to the community from a too liberal indulgence in the fascinating allurements to which such institutions invite.

There are now no less than sixteen banks located in different parts of the city and county of Philadelphia, with a capital already paid in, if my information is correct, amounting in the aggregate to a sum little short of eleven and a half millions of dollars, besides a considerable portion of capital which the stockholders may be required to pay in, at the option of the directors. Four of these institutions were authorised to be incorporated by acts of the General Assembly, passed at the last session; the passage of one, if not two of which, was then urged professedly with a view to the trade and business upon the river Schuylkill; one of them, the "Western Bank of Philadelphia," with a capital of five hundred thousand dollars, is now in full operation, and is said to be located within a mile of the very centre of the business upon that river. I am not aware, and I believe it is not pretended, that the institution just mentioned is indisposed, or that it has not the ability to accommodate every interest and every

branch of business connected with the Schuylkill trade; and if the individuals or companies engaged in that traffic, can be accommodated at the Western Bank of Philadelphia, it is difficult to conceive what inducement or what necessity there can be for establishing another bank in the same neighborhood. It will scarcely be urged, that the location of the Western Bank being a mile from the Schuylkill, the distance is too great for the convenient transaction of business; if that should really be considered a serious objection, we need not be surprised if the Legislature should be called upon, by and by, to locate a bank at every business man's door.

It does not appear that there is any want of banking capital within the city and county of Philadelphia, for the successful prosecution of all the business operations within their limits; nor is there any complaint, that I am aware of, of a want of disposition on the part of the banks, to accommodate all such as it would be prudent or safe to accommodate. Under these circumstances, it does not appear that there is any thing in the bill now under consideration, to distinguish it from that returned a few days since, for establishing the Farmers' and Manufacturers' Bank, of Delaware county, except that this bill provides "that the bank shall be kept open by the officers thereof, beyond the usual banking hours, and until within an hour of the going down of the sun, on every business day, for the purpose of paying checks and receiving deposits." But if the accommodations expected to be derived from this provision of the bill under consideration, should be deemed essential to men of business, the Legislature, in re-chartering or extending privileges to any of the banks of the city and county of Philadelphia, already in existence, might make such provision as would promote that object. Upon the whole, I am not aware of a single circumstance connected with this bill, other

than the provision above referred to, that takes it out of the general scope of the objections contained in the message accompanying the bill entitled "An act to incorporate the Farmers' and Manufacturers' Bank of Delaware county," returned to the House of Representatives on the 30th ultimo, and to which I would respectfully refer the General Assembly. I have, therefore, directed the Secretary of the Commonwealth to return it to the House of Representatives in which it originated, with my objections, that such further order may be taken thereon as the General Assembly may deem expedient.

GEO. WOLF.

Harrisburg, April 3d, 1833.

To the Assembly Vetoing "A Resolution Relative to the Payment of Certain Judgments Against the Commonwealth for Injuries Occasioned by the Construction of the Pennsylvania Canal."

Gentlemen:—

I HAVE READ WITH ATTENTION THE "RESOlution relative to the payment of certain judgments against the commonwealth for injuries occasioned by the construction of the Pennsylvania canal," and much as I should deprecate a course of proceeding on the part of the commonwealth or its officers, at variance with the wise and just provision of the constitution of the United States, which declares "that private property shall not be taken for public use without just compensation," or that would vexatiously or wantonly delay individuals who have just claims for damages sustained in consequence of injuries done to their property by the public works of the state, still I cannot divest myself of the opinion, that the state has rights also, that are equally entitled

to the care and protection of those entrused with the government of its affairs, with those of its citizens individually. I cannot, therefore give my assent to a legislative act by which the state shall be denied the privilege of defending its rights before the tribunal to which it has appealed for a fair and impartial decision of the suits enumerated in the resolution, and be charged in the very summary manner pointed out by that legislative act, with the whole amount of the claims mentioned, without an opportunity of shewing their exorbitance or injustice. Recurring to the last report of the board of canal commissioners, I find that their predecessors on the 9th of June, 1829, directed the acting commissioner upon the Eastern division, to cause the principal part in amount of the unsatisfied judgments against the commonwealth in the Common Pleas of Dauphin county, to be removed to the Supreme court. It appears further, by the same report, that the board on the 25th day of September, 1830, having viewed the premises, made an attempt under the provisions of the sixth section of the act of the 6th April, 1830, to compromise the cases depending in Dauphin county, or a number of them, and with a view to put an end to litigation, offered larger sums to the claimants in the spirit of compromise, than they themselves believed to be a fair compensation for all the injuries sustained, which attempt, with the exception of a single case, proved abortive. The board state, as ground for directing the causes, which by some neglect of the acting commissioner, had not been removed under the order of the board of 1829, to be removed during the last year —that the judgments, as they express it, were not legal judgments, and that they were satisfied that the amount awarded in a number of cases exceeded a fair valuation of the injuries sustained by the parties, when the advantage of the canal are taken into consideration, and was much greater than the

amount paid and agreed to be paid to others in like circumstances, and that the payment thereof would be making unfair distinctions between citizens claiming compensation for similar injuries. It appears therefore, from what has actually taken place, that there has been no disposition on the part of the officers of government, to protract litigation;—offers of compromise were made and rejected, and believing, as the board of canal commissioners did, that the damages in most of the cases were excessive and exorbitant, and that the interests of the commonwealth required an appeal to the only tribunal to which they could apply for a just decision between the parties; as faithful officers and guardians of the public interests in this behalf, they made their appeal, and having full confidence in the tribunal to which they have appealed, that justice will be done, as well to the commonwealth as to the claimants, I feel desirous that the cases enumerated in the resolution, should remain where they are now pending, in order that they may receive a fair and impartial trial and adjudication. I feel myself constrained, therefore, to withhold my approval of the said resolution, and have directed the same to be returned to the House of Representatives in which it originated, with the reason for my dissent, for the further action of the General Assembly thereon, should they deem it expedient.

GEO. WOLF.

Harrisburg, April 8th, 1833.

To the Assembly Vetoing "An Act to Incorporate the People's Bank of York County."

Gentlemen:

FROM AS STRICT AN EXAMINATION OF THE merits of the bill entitled "An act to incorporate the People's Bank of York county," as the pressure of important duties, during the limited period

which it has been before me for consideration, would permit, I cannot discover any thing which would materially distinguish it from those for the establishment of the Farmers' and Mechanics' Bank of Delaware county, and the Farmers' and Traders' Bank of Philadelphia, which I have recently returned, with my objections, to the House of Representatives. Referring you therefore in general terms to the objections contained in my communications accompanying the bills just mentioned, I have directed the bill in question to be returned, without my approval, to the House of Representatives in which it originated, for the further consideration of that body.

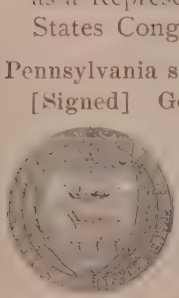
GEO. WOLF.

Harrisburg, April 9th, 1833.

Proclamation of the Election of Joes B. Sutherland as a Representative of Pennsylvania in the United States Congress.

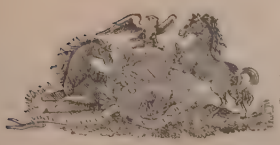
Pennsylvania ss.

[Signed] Geo. Wolf.



IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas by a return made by the Judges of the General Election held on the eighth day of October last in the First Congressional district of this Commonwealth, composed of East and West Southwark, Moyamensing, Passyunk,

Kingsessing, Blockley, Penn township, Germantown, Roxborough and Bristol in the county of Philadelphia, under the authority of an act of the General Assembly passed the eighteenth day of February in the year one thousand eight hundred and five, it appears that Joel B. Sutherland Esquire was duly elected to serve as a Representative of this State in the House of Representatives in the Congress of the United States: And Whereas in and by one other act of the General Assembly passed the ninth day of June in the year one thousand eight hundred and thirty two it is made the duty of the Governor, on the receipt of the returns transmitted to the Secretary of the Commonwealth to declare by Proclamation the names of the respective persons returned to him as duly elected in each district: Now therefore I have issued this Proclamation hereby publishing and declaring that the said Joel B. Sutherland is duly elected and chosen as a Representative of this state in the House of Representatives in the Congress of the United States for the term of two years, to be computed from and after the fourth day of March last.

Given under my hand and the Great Seal of the State at Harrisburg this twelfth day of November in the year of our Lord one thousand eight hundred and thirty three, and of the Commonwealth the fifty eighth.

By the Governor.

James Trimble,
Deputy Sec'y.

Annual Message to the Assembly—1833.

Fellow-Citizens:

IN COMMUNICATING TO THE GENERAL ASsembly, information of the state of the Commonwealth, I rejoice, that I am enabled to congratulate you on the propitious circumstances under which

you have met to perform your Legislative duties. Our country still continues to be the abode of peace; the home of freemen; the favored spot of earth to which the nations of the world continue to look as to the only abiding place of rational liberty. To the American patriot, when he contemplates the pre-eminent advantages his own country possesses over those of every other, in its universal prosperity; the extent, variety, and fertility of its soil; the salubrity of its climate; its physical strength and resources, and the unspeakable amount of human comfort and happiness it imparts, the reflection must be peculiarly gratifying, that the government under which he lives, and by which he is protected, so mild in its measures; so simple in its structure; based upon the will and the affections of the people; noiselessly, but effectually, operating upon and controlling more than twelve millions of citizens, native or adopted; its power no where seen or felt, except in the administration and the execution of just and equitable laws, righteously administered, and mildly, but firmly enforced, continues, after the lapse of little short of half a century, to unfold the appropriate energies inherent in its constitution, to withstand all the trials and difficulties with which it has been destined to contend; and that our unostentatious republican institutions, emanating from the people and sustained by their virtue and intelligence, have emerged from every onset, whether of foreign war or domestic disaffection, with such healthful manifestations of undiminished energy and vigor, as to inspire renewed confidence in their stability, and to encourage a belief in the perpetuity of their endurance. A prudent course of administration, extending its fostering care and protecting influence into every part of the Union; that will continue to cherish the great national interests of Agriculture, Commerce and Manufactures, preserving them as much as possible in a condition of

prosperous equality, neither fostering the one to the exclusion of others, nor withholding aid and encouragement from either, when it is needed, will contribute greatly towards producing so desirable a result.

In our own Commonwealth, we are in the enjoyment of every comfort that can reasonably be desired to minister to the wants, or to gratify the wishes of rational creatures. The health of our citizens, with the exception of a slight visitation in a single quarter of the State, has been marvellously preserved; abundant harvests have richly rewarded the toil of the husbandman, and a prosperity, as universal as it is grateful, is the portion of an industrious, enterprising people. In appreciating these blessings, as we ought, fellow citizens, it becomes us to be mindful of our obligations to the beneficent source from whence they are derived, and to adore, with grateful hearts, the goodness of Him who so bountifully supplies all our wants, and graciously dispenses to each of us so many unmerited favors.

Your predecessors having failed, at the last session of the General Assembly, to elect a Senator, to represent this State in the Congress of the United States, for six years, from the fourth of March last, the duty will devolve upon you to fill the vacancy which was thus occasioned and now exists; and as the State is but partially represented in that dignified branch of the national Legislature, now in session, your early attention is respectfully invited to the subject.

In the course of your deliberations, but few laws of a general nature will require your attention; such, however, of that description, as will present themselves for your consideration, will be of general interest to our constituents, and public expectation will be disappointed, if their enactment should be neglected or postponed. With few exceptions, our civil and criminal codes are sufficiently copious already, and contain provisions and sanctions abundantly comprehen-

sive, as well for the just and equitable administration of the government in all its departments, as for the protection of the citizen in all his rights. The former is under a course of revision by commissioners appointed under a resolution of the General Assembly, who, so far as they have progressed in the difficult work, have given ample proof of a determination, as well as the ability, to give the State a code of laws as perfect as human industrious, laborious research, and legal skill combined, can make it, and which will, it is believed, require but little more of the action of the General Assembly to give it effect, than its sanction and approval. Several reports have heretofore been made by the revisers, in part, accompanied by bills, some of which still remain to be acted upon by the Legislature; and being for the most part of much general interest, it is believed, that their enactment into laws would conduce to the public good. A further report, from the same source, of other important bills, may be expected shortly.

The promptitude with which crime is detected; its efficient and certain punishment; the checks and restraints imposed upon criminals by the provisions introduced into our penal code, designed as well for the reformation as for the punishment of the convict, it is believed will always furnish as much security to the lives, the persons, and the property of our citizens, as can be reasonably expected from human enactments. It may not be improper here to state, for the information of the General Assembly, that our plan of penitentiary reform, as practised in the prison at Philadelphia, denominated "The Eastern Penitentiary," continues to elicit the approbation of all who have had an opportunity of witnessing its salutary influence upon the unfortunate convicts, and to answer the just expectations of its most ardent friends. On the first day of November, last, there were one hundred and

thirty-two convicts confined within the cells of this prison, of which number, one hundred and twenty-eight were males, and four females. Fifty one of these were received into the prison since the first of January, last. In the management of the institution, and the enforcement of its discipline, great praise is due to those to whom the supervision and care of the establishment is confided, and to none more peculiarly so, than to the prudent and intelligent warden to whose acuteness and sagacity, the system owes many of its valuable improvements, and to whose energy and firmness in carrying it into execution, it is greatly indebted for its efficiency and success. That the depraved and reckless inmates of one hundred and thirty two cells should be reduced to obedience and submission, without the infliction of stripes, or a more rigorous punishment than solitary confinement without labour, and a diminution of food for the refractory; and separate confinement with labour, the ordinary discipline of the establishment, for those who are not so, is a little extraordinary; but that the punishment, thus inflicted, should be so far efficacious as to reclaim the hardened offender, as would seem to be demonstrated by the remarkable fact, that of fifty two convicts discharged from the prison since it has gone into operation, not one of them has been returned, is truly astonishing. From the organization of the establishment until the first of October last, its avails, arising principally from the profits upon the labour of the convicts, have exceeded its current expenses to the amount of eight hundred and fifty-seven dollars and sixty-four cents; but there has been an excess of the latter, over the former, for the ten months immediately preceding and ending on the same first day of October, last, of four hundred and eighty-six dollars; this is accounted for, partly, upon the ground of the depreciation in the value of cotton goods manufactured at the prison, of

which there was a heavy stock on hand when the depression took place; partly from the want of capital to pay for the raw material, of which there was purchased on the credit of the institution, and used in the manufacturing department to the value of ten thousand dollars, upon which sum, after the usual periods of credit, interest accrued, the payment of which necessarily reduced to a certain extent the proceeds arising from that source; and lastly, from the receipt into the establishment of a large number of convicts who were not mechanics, and whom it was necessary to instruct in some mechanic art before their labour could become profitable to the institution, and whose earnings until then were not equal to their subsistence. It is believed by those whose opinions are the result of experience, and are consequently entitled to respectful consideration, that if a moderate fund should be appropriated by the Legislature of the State, and placed at the disposal of the persons having the charge of the manufacturing department, thus enabling them to purchase the raw material at cash prices, the advantages resulting to the institution would be found to be of sufficient moment to justify the measure. Without, however, expressing an opinion on the subject, I submit the suggestion itself for the consideration of the General Assembly.

In pursuance of the authority and directions contained in the act of the twenty-seventh February last, "relative to the Western and Eastern Penitentiaries, and the Philadelphia County Prisons;" the Inspectors of the Western Penitentiary have been actively engaged in effecting the alterations in the structure of that establishment, contemplated in the first section of the act; and of the one hundred and eighty-four cells authorized to be constructed, the stone and brick work of a block, consisting of one hundred and four cells of two stories in height, adapted to the discipline of

solitary confinement with labour as practised in the Eastern Penitentiary, is nearly completed, and the other work pertaining to them is also considerably advanced. It is confidently believed that with proper exertions this tier of cells will be fit for the reception of convicts early in the month of April next. Other important portions of the work, forming essential parts of the contemplated alterations, consisting of structures of various kinds, are in a state of active forwardness, and will, together with the cells above mentioned, be roofed and closed in, during the present season. When both these establishments shall have been entirely completed, and the system of discipline intended to be enforced throughout, shall have gone into full operation, it is not doubted that a considerable revenue will be derived to the State from these sources.

Whilst we lament the depravity, and deplore the frailty of human nature, which give occasion to the necessity for supporting such institutions amongst us; it requires no extraordinary stretch of sagacity to trace their causes, in a great measure, to an entire neglect of mental culture and of moral and religious instruction, which is so alarmingly conspicuous in some parts of our (in other respects) flourishing Commonwealth; and to discover a remedy which, if not sovereign, will at least contribute to a more healthy state of the public virtue and morals; in a suitable attention to an enlightened cultivation of the minds of our youth; to a more general diffusion of knowledge, and to an enlarged, liberal and extensive intellectual improvement; capable of elevating the understanding above the degrading influence of the passions; the seductive blandishments of vice; or the deceptive delusions that mask the infamy of crime.

UNIVERSAL EDUCATION, if it were practicable to enforce it every where, would operate as a powerful

check upon vice, and would do more to diminish the black catalogue of crimes, so generally prevalent, than any other measure, whether for prevention or punishment, that has hitherto been devised; in this State, it is not only considered as being entirely practicable, but is enjoined by the constitution as a solemn duty, the non compliance with which, has already stamped the stain of inexcusable negligence, upon the character of the Commonwealth, which nothing short of prompt and efficient measures in compliance with the constitutional requisition can remove. The Legislature has the authority of the constitution to act efficiently and without control in this matter. And "to provide by law, for the establishment of schools throughout the State, in such manner that the poor may be taught gratis," is one of the public measures to which I feel it to be my duty now to call your attention, and most solemnly to press upon your consideration. Our apathy and indifference, in reference to this subject, become the more conspicuous, when we reflect, that whilst we are expending millions for the improvement of the physical condition of the State, we have not hitherto appropriated a single dollar, that is available, for the intellectual improvement of its youth; which in a moral and political point of view, is of ten fold more consequence, either as respects the moral influence of the State, or its political power and safety. Let me not be understood, however, as objecting to the expenditure of money in prosecuting the public works —far from it; but, I would respectfully urge that whilst the one is being successfully done, the other should not be left undone; indeed, judging from the flattering indications already given by the former, there is reason to believe that, from the redundant and progressively increasing revenue which may with great certainty be expected to flow into the treasury from that source, much aid may, at no distant day, be de-

rived to the latter, should it be found expedient to resort to that branch of the pubilc revenue for such a purpose.

According to the returns of the last census, we have, in Pennsylvania, five hundred and eighty-one thousand one hundred and eighty children, under the age of fifteen years, and one hundred and forty-nine thousand and eighty-nine, between the ages of fifteen and twenty years, forming an aggregate of seven hundred and thirty thousand two hundred and sixty-nine juvenile persons of both sexes, under age of twenty years, most of them, requiring more or less instruction. And yet, with all this numerous youthful population, growing up around us, who in a few years are to be our rulers and our law givers, the defenders of our country and the pillars of the State, and upon whose education will depend, in a great measure, the preservation of our liberties and the safety of the republic, we have neither schools established for their instruction, nor provision made by law, for establishing them as enjoined by the constitution. How many of the number last mentioned, would be entitled, within the meaning of the constitution, to be "taught gratis," I have no means of ascertaining, but am inclined to the opinion, that four hundred thousand would fall short of the true number; about twenty thousand, of these, as appears from the returns made to the Secretary of the Commonwealth, under a resolution of the House of Representatives of the ninth of January last, are returned as charity scholars, whose tuition is to be paid for out of the county funds, leaving, according to this assumption, three hundred and eighty thousand entirely uninstructed.

I have said that there has not hitherto been an appropriation made that is available for the purposes of education; this is literally true, but the Legislature, by the act of second April, eighteen hundred and thirty-

one, having made provision for creating a fund, in prospect, for that object, by setting apart for common school purposes, the proceeds arising from unpatented lands, fees in the land office, and all moneys received in pursuance of the provisions contained in the fourth section of the act to increase the county rates and levies, passed the twenty-fifth day of March, eighteen hundred and thirty-one, which, it is estimated, will, on the fourth day of April next, amount to a sum not less than five hundred and forty-six thousand five hundred and sixty-three dollars and seventy-two cents. This sum, with the amount annually accruing from the increased county rates and levies for the use of the Commonwealth whilst the act continues in force, and that arising from a continuance of the avails of the land office thereafter, is chargeable upon the internal improvement fund, at a compound interest of five per cent. per annum, until it shall produce one hundred thousand dollars annually, after which, the interest is to be distributed at the end of each year, and applied to the support of common schools throughout the State. Estimating this fund in its most unfavorable aspect, the interest will amount to the sum contemplated for distribution on or about the first of April, eighteen hundred and forty-three; in the mean time, however, there are no available means for commencing this much desired measure of State policy, this true system of republican equality that will level all distinction between rich and poor; that will place the child of the most indigent citizens of the Commonwealth upon a level with that of his richer neighbour, both in the school room and upon the Campus; will instruct the rising generation in their duties as citizens; enable them to appreciate the sentiment of acquired freedom; and secured the perpetuation of civil and religious liberty to our country, by teaching them what civil and religious liberty really import and mean. It is to this

all-important measure, both as regards our happiness as a people and the security of our invaluable political institutions, to which I would earnestly invite your immediate attention and upon which I would solicit your prompt action.

It is time, fellow-citizens, that the character of our State should be redeemed from the state of supineness and indifference under which its most important interests, the education of its citizens, have so long been languishing, and that a system should be arranged that would ensure, not only an adequate number of schools to be established throughout the State, but would extend its provisions so as to secure the education and instruction of a competent number of active, intelligent teachers, who will not only be prepared, but well qualified, to take upon themselves the government of the schools, and to communicate instruction to the scholars. Some of our colleges that had been abandoned either from mismanagement, or the want of sufficient encouragement, are about to be resuscitated under encouraging circumstances; most of these have partaken largely of the liberality and bounty of the State, and would doubtless willingly extend their aid to accomplish an object so desirable. Others have but recently been established and gone into operation, and have as yet, received no share of the Commonwealth's munificence; some, if not all of these last mentioned, have adopted the popular and approved Fellenberg system of uniting labour with study; these, it is believed, would make admirable nurseries for bringing up and qualifying young men for the business of teaching. Moderate appropriations in aid of those literary institutions that have not participate of the Commonwealth's bounty, might place them in a condition to furnish the State with a respectable number of well educated young men, instructed, as some of those institutions propose to do, in the business of teaching

as a profession, in a short time and at a comparatively trifling expense. These suggestions are thrown out for your consideration, should they elicit a more eligible or better plan for attaining the end desired, it will afford me much gratification to unite with the General Assembly in carrying it into effect.

The opinion is entertained by many of our citizens and not a few of our statesmen, that individual enterprize, in Pennsylvania, has been greatly discouraged and in some instances entirely depressed, by the too general and indiscriminate conferring of corporate privileges, creating monopolies in branches of industry which ought to be left to individual exertion alone. Our statute books exhibit a spirit of liberality, in the legislation of the State in that respect, which it might be prudent, in some measure, to restrain. The true line of discrimination would seem to be this, that in all great and important undertakings or enterprises, having for their object the advancement of the public convenience, accommodation or interest, to the accomplishment of which individual effort and capital would be inadequate, acts for the incorporation of companies or association of individuals, may be safely, and, in many instances, beneficially granted; but, wherever a branch of business or enterprise of any kind can be successfully and advantageously conducted or carried on by citizens in their individual capacities, there ought to be no legislative interference; but the enterprize, whatever it may be, should be left entirely to individual exertion, and to that spirit of competition which never fails to be awakened and rendered sagacious by personal interest or the alluring prospect of gain. Another objection, of much force, is made to the privilege of voting by proxy, peculiar in this country, I believe, to corporations alone, as being entirely at variance with the genius and principles of our government. This scion of arbitrary power, it is believed,

ought not to remain engrafted upon our institutions, inasmuch as it is often perverted to the basest of purposes, by the individual who has address enough to procure a sufficient number of proxies to control the elections of the institution of which he is a member: the provisions of the acts of Assembly on this subject, being entirely disregarded or shamefully evaded. The tyranny displayed by individuals, resulting from this privilege, is not unfrequently severely felt by the members of the corporation themselves, who become objects of displeasure with him who wields the power, but the whole community within the reach of its influence, is often injuriously affected by it. Other reasons might be advanced to induce legislative interference; enough has been said, it is presumed, to elicit inquiry.

Complaints are general throughout the state, in reference to the laws now in force, denominated "the Militia System," and the burdens and exactions in which they involve a large portion of the most industrious and useful class of our citizens. Many of these complaints are doubtless well-founded, and require a corrective; but whatever may be the defects and imperfections of the system, a question worthy of grave consideration presents itself at the very threshold of the inquiry,—to determine as to the nature and extent of the remedy to be applied, and how far it is within the competency of the Legislature of a State to apply it. The Constitution of the United States has expressly delegated to Congress the power "to provide for organizing, arming and disciplining the militia;" reserving to the States "the appointment of officers and the training of the militia according to the discipline prescribed by Congress." The act of Congress of the eighth of May, seventeen hundred and ninety-two, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," has made provision

for the organization, and prescribed the rules of discipline according to which the militia is to be exercised and trained; and has also designated, with sufficient clearness and certainty, the description of persons who are to be subject to the discipline prescribed. That there is a much greater number of militia enrolled and obliged to submit to the alternative of training or paying fines, than there is occasion for, or than will be needed or could be usefully employed for the defence of the country, will not, I presume, be disputed; but, whether that number could be reduced to the extent desired, without running counter to the provisions of the paramount act of Congress referred to, and disturbing the uniformity intended to be established by Congress throughout the United States, is a question worthy of consideration. The system, as at present existing in Pennsylvania, is not only grievously burdensome to the people, but is a drain, to a considerable extent, upon the public treasury, and its radical reorganization could not be otherwise than acceptable to the community. To make the militia effective as a military force, its reorganization must be entire, and to accomplish that, Congress alone, according to my impression, possesses the power. The Legislatures of the States may administer palliatives, but do not possess the competent means to effect a radical cure. I think I am borne out in this opinion, by the course recently pursued by the Legislature of several of our sister States, instructing their Senators and requesting their Representatives in Congress, to use their exertions to procure the passage of a law for the more perfect organization of the militia of the several States of the Union; evidently questioning their own competency to arrange systems for their respective States, independently of the acts of Congress. A communication, containing resolutions to this effect, has been received from the Governor of the State of New Hamp-

shire, since the adjournment of the Legislature, copies of which are herewith transmitted. I take great pleasure in informing the General Assembly, that from information recently received, I am authorized to state, that the board of commissioners to revise the Civil Code, have prepared a bill in relation to this distracting subject, which may be expected at an early period of the present session; and from the able manner in which the gentlemen composing that board discharge their duties generally, and the thorough examination the subject upon which each bill reported by them is predicated, undergoes before it is submitted to the Legislature, we may expect to derive much valuable information from its arrangement and provisions, and the views taken of the subject by the commissioners, in their report, if we should not approve of the bill itself in all its details.

The loan of two millions five hundred and forty thousand six hundred and sixty-one dollars and forty-four cents, authorized by the act of the sixteenth of February last, after the usual notice had been given, was taken by Doctor Jesse R. Burden, he agreeing to pay one hundred and thirteen dollars and fifty-one cents in money, for every hundred dollars of stock, bearing an interest of five per cent. per annum: And that of five hundred and thirty thousand dollars, directed to be made by the act of the twenty-seventh of March last, was taken, after similar notice, by Messrs. S. & M. Allen of the city of Philadelphia, at one hundred and fourteen dollars in money, for every one hundred dollars of stock, bearing a like interest; they having previously become possessed of the first mentioned loan, by transfer from the original holder. By these several transactions, the State will have realized, upon receipt of the whole amount borrowed, two hundred and fifty-one thousand three hundred and fifty-seven dollars and fifty-eight cents, in premiums, or as bounties paid for the loans thus made.

In my last annual message, I stated upon information derived from a source in which I had entire confidence, that most of the new works, then under contract, would be finished in the course of this season. It appears, however, that the expectations then entertained will not be realized to the extent anticipated. Various causes, not within their control, as I have been informed, are assigned, for their non completion, in the reports of the agents having immediate charge of the works. As a statement of the causes that operated to produce such a result will be exhibited in detail by the board of canal commissioners in their report, I respectfully refer you to that document for the necessary explanations. Whilst, however, it is to be regretted that any portion of the public works alluded to should, from any cause, remain unfinished, it is nevertheless highly gratifying to learn, that although only seventy-two additional miles of canal and rail-road have been in use during the present season the tolls have been increased to an amount in that time nearly threefold that of the preceding season. The tolls received upon our public improvements during the year ending on the 31st of October, eighteen hundred and thirty-two, amounted to fifty thousand nine hundred and nine dollars and fifty-seven cents; those received for the year ending on the thirty-first of October, last, amount to one hundred and fifty-one thousand four hundred and nineteen dollars and sixty nine cents, and this too, before the works had become connected, or the people were prepared with the necessary means for transportation upon them. It is confidently expected by those whose means of information enables them to calculate with some degree of certainty, that the tolls to be received for the current year (1834), will fall little short of, if they do not exceed, a half a million of dollars. Should that be the case, of which there is scarcely a doubt entertained, the public improvements will at

once have relieved the people from the payment of the interest upon ten millions of dollars of State debt, and to that amount, the debt contracted by the State for internal improvements may be considered as neutralized if not virtually paid; the improvements being to all intents and purposes equivalent in point of value to the sum upon which their proceeds pay the interest. It is proper, however, to remark that in order to realize this sum from tolls, as well as to secure the trade of the West much will depend upon the enterprize and exertions of individuals. The State at a vast expense will have completed, early next spring, an entire line of communication between Philadelphia and Pittsburg by canals and rail-ways; upon these, merchandize and produce can be transported from city to city, in the short period of eight days, and that too, at a rate of freight so much reduced, as to enable us to enter into successful competition with our rivals for the Western trade. But this trade, so important, as well to the revenue of the Commonwealth, as to the future wealth and prosperity of our principal commercial cities, is not to be secured but by timely and vigorous efforts. The Commonwealth, so far as she was concerned in the general welfare, has done her duty in constructing the public works; but it is not to be expected that she will line them with boats, or cover them with cars; this must be done, if done at all, by indiyiduals or companies. The importance of securing the trade of the Western States, has for years past, attracted the attention of two of our most enterprising and prosperous sister States, the one on the North and the other on the South, nor have the most strenuous and persevering efforts been wanting on their part to monopolize so important a branch of commerce. A policy on our part that would induce us to remain idle spectators when so much is at stake, would be altogether indefensible, especially, when we

have all the advantages of a central position: the shortness of our route: the advantages of earlier and later navigation of our canals: our mineral wealth and agricultural productions, all presenting a superiority of advantages and facilities in accomplishing the important object, which, if early embraced and vigorously improved, will not fail to secure to our Commonwealth, a complete ascendancy. To our merchants and others interested in securing a commerce so extensive as well as profitable, the necessity of prompt and efficient measures to have in readiness all the facilities and means for an active and energetic transportation upon our public works early in the spring, must be manifestly obvious.

For the amount in detail, of the appropriations that will be required to complete the unfinished works, and finish the rail roads with the necessary appendages to put them in operation, I must beg leave to refer you to the report of the board of canal commissioners.

With prospects so flattering, fellow citizens, in the very infancy of our public works, the friends of the internal improvement policy may rest satisfied that the day is not far distant, when Pennsylvania, encouraged by the success which has attended her public improvements; their continually increasing productiveness; the overflowing treasury, for which she will be indebted to the redundant revenues derived from that source; and threatened as she is, on all sides, to be deprived of that commerce which the God of Nature seems to have destined for her use, will in her own defence force the waters of Lake Erie to mingle with those of the Allegheny and the Delaware; the Ohio canal to become tributary to her own extensive improvements; the waters of the Cayuga and Seneca lakes, by means of the Elmira canal, to unite with those of the Susquehanna; and will cause the wilderness countries, drained by the improvements by which all this

will be accomplished, to "smile and blossom as the rose." This may be regarded as fancy now, but it must become fact before long; and, judging from "the signs of the times," it would not be surprising if it should all happen in our own day and generation, and be achieved by the force of public opinion itself.

The finances of the Commonwealth should always claim the attention of a vigilant Legislature: and a rigid scrutiny and examination into their condition, and the conduct of those to whose control and management they are entrusted, will not fail to be attended with beneficial consequences. The reports of the accounting officers will be laid before you, and will exhibit a most healthful and prosperous state of the revenue for the fiscal year, ending on the first of November, last. The receipts into the Treasury arising from the ordinary sources of income, will be found to have exceeded those of the last year to the amount of fifty-seven thousand, seven hundred and forty-four dollars and fifty-four cents, and after defraying the current expenses of the Government, a large amount of local appropriations, and restoring to the internal improvement fund the sum of one hundred and thirty-five thousand eight hundred and ninety-seven dollars and eighteen cents, which had been authorized by law to be taken from that fund for the payment of interest due in August, eighteen hundred and thirty-two, have left a balance in the Treasury, on the first of November last, of three hundred and sixty-seven thousand, four hundred and twenty-three dollars and thirty cents, to meet future contingent and other demands upon the Government. It is proper that I should state, for the information of the General Assembly, that three hundred and eighty thousand dollars, part of a loan of six hundred thousand dollars authorized by act of thirtieth March, eighteen hundred and twenty-four, will be reimbursable on the first of May next:

such, however, are the gratifying assurances received from the heads of the financial departments, as to leave no doubt of the ability of the Treasury, without materially interfering with the numerous other demands upon it, to meet the occasion, and to reimburse to the holders of the stock, the amount of principal and interest that will then be due, without the necessity of resorting to a loan, or any other measure for that purpose. It affords me much pleasure to assure the General Assembly, that such are the cheering prospects in regard to the future redundancy of the revenues of the State, and the flattering evidences of continued accretion and increase, as to leave no room to doubt of the entire ability which will thus accure to the Treasury, and enable it to meet the ordinary demands upon it as they shall hereafter arise.

As it is more than probable that the commissioners for the revising the civil code will prepare and report a bill for the organization of the several courts, I shall forbear from urging the subject of the Judiciary upon your attention at this time.

I received, during the recess of the Legislature, a communication from the Secretary of the Navy, in relation to the act of the last session, ceding to the United States jurisdiction over certain grounds and buildings belonging to the Naval Assylum, near the city of Philadelphia, to which I would ask the early attention of the General Assembly. Copies of the communication will be laid before you.

I have also received from the Governor of the State of Massachusetts, communications accompanied by an act and resolution of the Legislature of that State, on the subject of lotteries; also a report and resolutions in relation to the public lands of the United States; also a report and resolutions relative to a proposition for a convention of the States, to revise the Constitution of the United States; also a report and resolutions in

relation to certain resolutions of the State of Georgia on the same subject.

A letter from the Governor of New Hampshire, enclosing a resolution of the Legislature of that State, relative to an exchange of law reports.

A letter from the Executive of the State of Connecticut, enclosing resolutions of the General Assembly of that State, relative to the Tariff laws, and amendments of the Constitution of the United States.

A communication from the Governor of Maryland, enclosing certain resolutions of the General Assembly relative to the South Carolina ordinances.

Also a communication from the Governor of the State of Mississippi, enclosing the proceedings of the Legislature of that State, upon certain resolutions of the Legislature of the State of Georgia, in relation to the call of a convention of the States, for the purpose of amending the Federal Constitution: Copies of all which, will be laid before you.

In closing this communication, allow me, fellow citizens, to advert once more to the happy condition of our beloved country, and its incomparable institutions, and whilst I exhort you to watch with an untiring vigilance over the political rights of our own Commonwealth, reserved to her by the great charter of our liberties, permit me to invoke your patriotism and your zeal, and through you, that of our common constituents, in behalf of that unity of government which constitutes us one people; to implore you and them to rally round the Federal Union, as the palladium of our political safety and happiness; watching, in the language of the father of his country, "for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

Finally, in the discharge of your legislative duties, let me assure you of a hearty concurrence, on my part, in all constitutional acts and measures tending to the public good; and that you may be guided, in your deliberations, by that wisdom which cannot err, to the adoption of such measures as will do honour to yourselves and advance the prosperity and happiness of the people, is my sincere and fervent prayer.

GEO: WOLF.

Harrisburg, December 4th, 1833.

[DOCUMENTS OMITTED.]

To the Assembly Giving Notice of the Appointment of James Findlay to be Secretary of the Commonwealth.

Gentlemen:—

IT IS PROPER TO INFORM YOU THAT I HAVE this day appointed and commissioned James Findlay, Esquire, to be Secretary of the Commonwealth, during my continuance in office, agreeably to the fifteenth section of the second article of the Constitution.

GEO. WOLF.

Harrisburg, December 17th, 1833.

To the Assembly Transmitting a Report and Resolutions adopted by the New York Legislature Concerning the Militia and Public Defence.

Gentlemen:

I HAVE RECEIVED FROM THE GOVERNOR OF the State of New York, a report and resolutions adopted by the Legislature of that State, in relation to the militia and the public defence, which I hasten to communicate to the General Assembly.

GEO: WOLF.

Harrisburg, Dec. 18, 1833.

State of New York,
Executive Department,
Albany, Dec. 1, 1833.

Sir—In pursuance of a joint resolution of the Senate and Assembly of the State, I have the honour to transmit to you the accompanying report and resolutions, with a request that they may be laid before the Legislature of your State.

I am, very respectfully, sir,

Your obedient servant,

W. L. MARCY.

State of New York,
In Assembly, February 5, 1833.

Report

Of the committee on the militia and the public defence, on so much of the Governor's message as relates to the militia and the public defence, and a communication from the Governor of Illinois.

Mr. De Mott, from the committee on the militia and the public defence, to whom was referred so much of the Governor's message as relates to the militia and the public defence, and a communication from the Governor of Illinois, submits the following Report:

The Constitution of the United States gives to Congress the power to provide for organizing, arming and disciplining the militia. In pursuance of this grant of authority, an act of Congress was passed on the 8th May, 1792, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States."

Under the provisions of this act, every able bodied free white male citizen, between the ages of eighteen and forty-five years, is required to be enrolled in the militia, and to provide himself with the necessary arms and equipments.

The condition of the country at that epoch in the history of the Union, was such as to render an extensive enrolment indispensable. The federal government had but just gone into operation; our frontiers were exposed to the incursions of numerous Indian tribes; our population was thin and scanty, when compared with the vast surface over which it was spread; and there was cause to apprehend that our dissensions with Great Britain, in consequence of the existence of unsettled questions between the two countries, might be revived. Under the influence of these impeding dangers, the

militia system was framed and established; and as might have been expected from the state of the country, its leading feature was an extensive enrolment.

Since the law of 1792, no act of Congress has been passed, materially altering its provisions. On the other hand, the state of the country is totally changed. The sources of danger are diminished, and are more remote. The Indian tribes which hung upon our frontiers at the organization of the federal government, have either migrated to more distant regions, or have been subdued by the joint force of civilization and physical power. Our population is comparatively dense and powerful. We have no existing differences with foreign countries which are likely to lead to a breach of our relations of friendship with them.

Under this change of circumstances, a less extensive enrolment would seem adequate to all the objects for which militia is maintained. While the committee express this opinion, they wish to be understood as advocating no change in the militia system which would have the effect of impairing its efficiency. They consider it as intimately connected with the maintenance of our internal tranquility, and with the preservation of that spirit of freedom on which the durability of our political institutions essentially depends. Every citizen is, from the nature of our social organization, a part of the public defence; and he is also in the last resort, in common with his fellow-citizens, the safe guard of the liberties of all, against the government itself. Thus it is that amendments to the Constitution of the United States have provided that "the right of the people to keep and bear arms shall not be infringed." It seems indispensable to the accomplishment of the objects referred to, that every citizen should be armed, and that he should be subjected for a course of years to a system of exercise and discipline. The system should be limited in its application to such a period as will be sufficient to qualify those subjected to it for acting in concert, and with efficiency on sudden emergencies, until a more permanent force can be provided.

This object may be attained consistently with that of reducing the period of enrolment, and consequently diminish the numerical force of the militia. For instance, if the enrolment in this State were to be diminished so as to include only such persons as are between the ages of twenty-one and forty years, our numerical force would be reduced from about 190,000 to about 140,000 men, and yet every citizen would pass

through nineteen years of military discipline. As has already been observed, the act of Congress of 1792, requires every citizen duly enrolled to provide his own arms and equipments. This your committee consider wrong in principle and oppressive in practice.

In the price of arms, the rich and the poor are required to pay the same amount. The contribution is a poll tax, having no reference whatever to property. The personal service, which every citizen renders, is of necessity equal as it is not capable of apportionment between individuals; and it may be considered just, because the personal rights of all are equal. But in providing arms and equipments, every citizen renders a pecuniary service, and to make the contribution just it should be apportioned upon the basis of property.

The established system is as unjust in principle, as a rule of taxation which should require every citizen, without regard to his pecuniary ability, to contribute ten dollars, or any other specific sum, to the expenses of government. The injustice of the system is acknowledged by the act of Congress of 23d April, 1808, which provides for arming and equipping the whole body of the militia of the United States, by appropriating annually $200,000 to that object. But although the principle for which the committee contend, is admitted by this act, the provision which it makes is wholly inadequate to the object in view.

The defects in the established militia system, to which the committee have referred, are wholly beyond the reach of the legislative authority of the State. They can only be remedied by an amendment of the act of Congress, of 8th May, 1792, and although that part of the Revised Statutes, which relates to the militia and the public defence is susceptible of some improvement, no alteration can be made in it, which would have the effect of relieving the great body of the militia from any portion of the burden of the military service.

The committee have therefore not deemed it advisable to report a bill providing for amending the Revised Statutes, so as to remedy the inconsiderable defects which can be reached by our legislation; but they would respectfully suggest the adoption of a resolution, instructing our senators, and requesting our representatives in Congress, to use their exertions to procure such amendments of the act of 8th May, 1792, as shall provide for the existing deficiencies in the established organization of the militia, without impairing its usefulness and strength.

State of New York,
In Assembly, April 10, 1833.

Resolved (if the Senate concur), That our Senators in Congress be instructed, and our representatives be requested to use their exertions to procure such amendments of the act of Congress organizing the militia as shall relieve the people, as far as practicable, from the burdens of the system, without impairing its efficiency.

Resolved (if the Senate concur), That his Excellency the Governor be requested to transmit copies of these resolutions and report to our Senators and Representatives in Congress, and also to the Governors of the several states, with a request that they may be laid before the Legislatures thereof.

To the Assembly Concerning the Cession of Jurisdiction over the Grounds of the Schuylkill and Frankford Arsenals to the United States.

Gentlemen:—

I HAVE RECEIVED A COMMUNICATION FROM the Secretary of War, in realtion to the expediency of ceding jurisdiction to the United States, over the public Arsenals on the Schuylkill, near Philadelphia, and at Frankford, in the state of Pennsylvania, that measure being deemed important to the interests of the United States, copies of which will be laid before you.

GEO: WOLF.

Harrisburg, Dec. 20, 1833.

War Department,
December 18, 1833.

Sir—I have been directed by the President of the United States, to request your Excellency to submit to the legislature to the state of Pennsylvania, the expediency of ceding jurisdiction to the United States, over the Arsenals on the Schuylkill, near Philadelphia, and at Frankford, in the state

of Pennsylvania. That measure is deemed important to the interests of the United States.

Very respectfully,
Your most ob't. serv't.,
LEWIS CASS.

His Excellency, Geo. Wolf, Governor of Pennsylvania.
Harrisburg, Pennsylvania.

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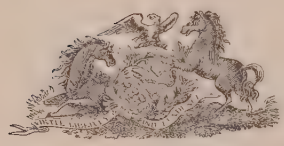
*Proclamation of Reward for the Apprehension of Certain Incendiaries who Set Fire to the Woolen Mill in the Village of Economy.

Pennsylvania ss.

[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas I have received authentic information, that the Woolen Factory at the Village of Economy, in the County of Beaver, has been recently destroyed by fire, which there is good reason to believe, has been the work of wicked Incendiaries, thereby impoverishing, and endangering

*EVIDENCE ON WHICH THE PROCLAMATION WAS FOUNDED.

Beaver County, ss:

Commonwealth of Pennsylvania.

Deposition of Adam Gayer of the town of Economy and the County of Beaver aforesaid, Manager of the late Woolen Factory at Economy, Produced, affirmed and examined this twenty-eighth day of December, 1833. Deposeth and sayeth that on the 25th day of November last at half-past six o'clock P. M. while at work in the finishing room, he heard the cry of fire, upon which he ran to the yard and immediately discovered the fire emanating from one of the uppermost Skylights of the Woolen Factory aforesaid. He ran upstairs with water and found the Cockloft to be on

the lives of many good Citizens of this Commonwealth: And Whereas the reputation of the Government, the

fire, he ran back and forward on the floor of the principal loft which was still clear of fire, he says every exertion was made to convey water upstairs and also by the two fire Engines but all proved ineffective, the fire got the upper hand.

He further sayeth, that no candle, fire chimney nor any other material which would ignite, was ever taken to that loft, neither was it in connection with any part of the machinery and for that reason fire could not have originated there by friction.

This dependent further sayeth that he was all over the said cockloft about 2 o'clock P. M. of the same day on which the fire happened, and all was well as it ought to be. He further sayeth that it is his true belief that the said Factory was set on fire by an Incendiary, who embraced the opportunity to commit this base act at a time when all the factory hands were at supper and further this dependent sayeth not.

ADAM GAYER.

Affirmed and Subscribed,
Decem. 28th, 1833, before me,
JOHN SCHREIBER, J. P.

Beaver County, ss:

Commonwealth of Pennsylvania.

Deposition of Elisha Lemox of the town of Economy and the county of Beaver aforesaid, Wool Carder in the late Wool Factory at Economy. Produced, affirmed and examined this 28th day of December, eighteen hundred and thirty-three. Deposeth and sayeth that he was present at the burning of the Woolen Factory in Economy aforesaid on the 25th day of November last, that the fire was first discovered burning through one of the Windows on the roof and when he got upstairs he found the Cockloft all on fire, he further sayeth that it is his candid belief that it was the work of an Incendiary, who watched the time when all the factory hands were at supper and then perpetrated this base act. Having been a regular Carder in the factory since its Erection he never knew a burning candle nor fire to have been taken up on the said Cockloft.

He further sayeth that there is no chimney near the place where the fire was first discovered, and the only one in the whole factory was a small one run up and connected with the solid brick wall of the North Gable End of the house.

He further sayeth that no part of the running Gears of the machinery had any connection with the said Cockloft. He did not suffer any greasy nor dirty wool to be laid upstairs, neither was there any wool on the loft which would ignite of itself. And further this deponent sayeth that he made it his business every evening to walk through the whole loft to see whether all was right, and that he was on the said cockloft making such examination at half-past four o'clock P. M., of the same day on which the fire happened two hours after, and that there was no fire, smoke nor any smell of anything igniting on that loft at that time, but that all was well as it ought to have been, and further this deponent sayeth not.

ELISHA LEMOX.

Affirmed and Subscribed,
Decem. 28th, 1833, before me,
JOHN SCHREIBER, J. P.

Beaver County, ss:

Commonwealth of Pennsylvania.

Deposition of Adam Straub of the Town of Economy, Beaver County aforesaid, Wool Carder, in the late Woolen Factory at Economy. Pro-

peace and security of its Citizens, and the obligations of Justice and humanity require, that the perpetrators of so daring a crime, should be discovered and punished: I have therefore thought proper to issue this Proclamation, hereby offering a reward of Two hundred dollars, to any person or persons, who shall apprehend and secure the incendiary or incendiaries, in the Jail of the County of Beaver; which is to be paid upon the conviction of the perpetrators aforesaid; and all Judges, Justices, Sheriffs, Coroners, Constables and other Officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after, and bringing to Justice, the person or persons guilty of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, this sixth day of January in the year of Our Lord, one thousand eight hundred and thirty-four, and of the Commonwealth the fifty-eighth.

By the Governor.

James Findlay,

Secretary of the Commonwealth.

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duced, affirmed and examined this twenty-eighth day of December, 1833, Deposeth and sayeth, that the Woolen Factory above mentioned was seen by him to be on fire on the 25th November last at half-past six o'clock P. M. The fire was first discovered on the cockloft of the north wing of the building at a place where never a burning Candle, Fire, Chimney, nor any other material which would ignite of itself had ever been. He further sayeth that no part of the machinery of the Factory had any connection with the said loft and therefore the fire could not have originated by friction in any way, for when he ran upstairs all parts of the principal Loft were clear of fire, which was at that moment totally confined to the cockloft aforesaid.

He further sayeth, it is his firm belief that the origin of this fire was the act of an Incendiary who embraced the opportunity to commit this base act, at the time when the factory hands, were all at supper, and further this deponent sayeth not.

ADAM STRAUB.

Affirmed and Subscribed,
Decem. 28th, 1833, before me,
JOHN SCHEIBER, J. P.

To the Assembly Transmitting a Report of the Canal Commissioners.

Gentlemen:

I HAVE RECEIVED A COMMUNICATION FROM the board of canal commissioners, accompanied by their report, made in pursuance of a resolution of the Legislature approved the 8th of April last, relative to canal damages on Grant's hill, copies of which are herewith transmitted.

GEO: WOLF.

Harrisburg, January 14, 1834.

Canal Commissioners' Room,
Harrisburg, January 14, 1834.

His Excellency Governor Wolf:

Sir—In compliance with the resolution of the Legislature of the 8th of April, 1833, relative to canal damages on Grant's hill, I have the honor to submit the enclosed report of the canal commissioners,

And am, very respectfully, yours,
JAMES CLARKE, President.

His Excellency Geo. Wolf, Governor:

Sir—In compliance with the resolution of the Legislature of the 8th of April, 1833, which directs the canal commissioners to make a thorough examination and survey of the damages sustained by the owners of private property by the construction of the tunnel of the Pennsylvania canal through Grant's hill, in the city of Pittsburg, and to apportion said damages amongst said owners respectively, in the same manner as though no examination had ever been made; and for the purpose of correctly ascertaining the same, it shall be the duty of said commissioners to give notice to the parties interested, of the time of making such examination and survey—to receive the testimony of disinterested witnesses as to the value of property damaged—and also to estimate the expense of filling up the thorough cut through Grant's hill; and also to report, whether, in their opinion, the city of Pittsburg or the state should pay said damages, and to make a detailed report of the same to the next Legislature.

The canal commissioners respectfully submit the following report:

The board met in the city of Pittsburg on the 9th of September last, and after giving notice to the persons interested, proceeded to the examination of such witnesses as were produced, with a view to elicit the facts necessary to enable them to come to correct conclusions upon the subject submitted.

It appears that the ground occupied by the thorough cut through Grant's hill was originally owned by Andrew Watson, Senr. That upon his decease in 1823, it was left by will to his children in large lots. That Andrew Watson, one of the heirs and present owners, in 1827, and subsequently to the location of the tunnel, laid off a portion of his share of the land in small lots of 25 by 140 feet. The value of these lots at the time they were laid off would appear to have been from 350 to 450 dollars each, and that the property has since greatly increased in value.

The following are the names of persons who own property injured by the cut, with the apportionment of their damages:

A. Watson, land taken, 12,412 feet, equal to 3½ lots of 25 by 140 feet, valued at $400 dollars each, ...	$1,400
Ann M'Kinney, land taken, 3,500 feet, equal to one lot, ...	400
Ann M'Kinney, rent for a brick house and frame attached to the same, 5 years at 70 dollars, ...	350 00
Ann M'Kinney, the same houses rendered useless, unless the cut is filled up—their cost, ...	800 00
Christian Magee, land taken, 22,800 feet, equal to 6½ lots, at 400 dollars each, ...	2,600 00
L. Kingsland, land taken, 2,350 feet, equal to two-thirds of a lot, at 400 dollars, ...	267 33
Harmar Denny, land taken, 12,261 feet, equal to 3½ lots, at 400 hundred dollars each, ...	1,400 00
Tunnel street land taken, 11,500 feet, equal to 3½ lots, at 400 dollars each, ...	1,333 67
Total amount of damages, ...	$8,551 00

A survey and map of the ground is herewith submitted.

The original location and plan of constructing the canal between the Allegheny and Monongahela rivers, passed through Grant's hill by a tunnel, but in the prosecution of the work

it was found impracticable to prevent the earth above from falling down; the plan, therefore, of effecting a passage by a tunnel was given up, and a thorough cut was unavoidably the result. This cut has since been arched over at a proper height above the bottom to admit the passage of boats, and were the open space between the top of the arch and the surface of the ground filled up, the original plan of a tunnel would be complete; and if the arch of the tunnel were extended from its southern termination, to connect with the arch of the bridge on fourth street, and the entire cut filled up, which is recommended by the board, the ground would be restored to nearly its original situation, and in that case the enhanced value of property by the construction of the public works will be a full equivalent to the several owners of ground on Grant's hill, for any temporary inconvenience they have suffered, except in the case of Ann M'Kinney, who should be paid the sum of 350 dollars, as compensation for the loss of the use of her house.

The expense of extending the tunnel arch to connect with the bridge on Fourth street, and filling up the entire cut has been estimated at $8,149.74, which, with the allowance of damage to Mrs. McKinney, for the loss of the use of her house would amount to $8,459.94, being $91.06 less than the damage.

The board have therefore no hesitation in recommending the extension of the arch of the tunnel as described, and the filling up of the entire cut.

The commissioners in making up their opinion whether the city of Pittsburg, or the state should pay the damages, have had recourse to the various acts of the parties as connected with this subject, by which it appears that on the 25th of April, 1827, the councils of the city of Pittsburg, passed resolutions earnestly requesting the canal commissioners to give a preference to the route from the proposed aqueduct over the Allegheny river, through Grant's hill, and by Sook's run, and pledged the faith and funds of the city that the expense should not exceed the estimate of the engineer in the cost of the Liberty and Penn street route, viz: $65,565.35, including ten thousand dollars for damages to private property, and authorized and empowered the Mayor, and president of the council to enter into contract wiht the canal commissioners for carrying the resolutions into effect. (See the 2d volume of the Journal of the House of Representatives, 1827-28 page 123.

It further appears, that on the 19th of May, 1827, the coun-

cils of Pittsburg, passed an ordinance that the property, revenue and resources and good faith of the city be charged and pledged to make good and fulfil, all and every of the promises and engagements on the part of the city as set forth in the resolution of the 25th April, 1827.

By the act of the 9th April, 1833, it appears that the sum of $43,906.63 had been expended by the agents of the Commonwealth on the construction of the work, (which sum is exclusive of damages), over and above the guaranty of $65,565.35, a recovery of which sum of $43,906.63 from the city of Pittsburg, is directed by the terms of said act.

As the agents of the state prosecuted the work at Grant's hill, under the provisions of the act of the Assembly, for the construction of the Pennsylvania canal, the board are of the opinion that the Commonwealth is bound to individuals for the payment of damages to private property, and that the city of Pittsburg is legally bound to refund to the Commonwealth, any amount so paid for damages to private property, not exceeding the sum of ten thousand dollars as contained in the guaranty of the 25th April, 1827.

All which is respectfully submitted,

JAMES CLARKE,

President of the canal commissioners.

Canal commissioners' room, Harrisburg, January 14, 1834.

To the Assembly Transmitting a Memorial from the Judges of the Supreme Court with Regard to the Excess of Business in the Courts.

Gentlemen:—

A MEMORIAL SIGNED BY THE JUDGES OF the Supreme court, and directed to the Senate and House of Representatives, setting forth in a plain but forcible manner, the total inability of that branch of the judiciary to discharge, with satisfaction to themselves, or with advantage to the public, the onerous and continually accumulating duties which the present condition and circumstances of the Commonwealth devolve upon them, and suggesting the adoption of Legislative measures, having a tendency

to mitigate their labours and to enable them to dispense justice with greater deliberation and in a manner calculated to avoid the too frequent difference of opinion among themselves, as well as to ensure more confidence in their decisions, has been forwarded to me, with a request that I would cause the same to be laid before the General Assembly. Emanating as this request does, from so respectable a source, I take great pleasure in transmitting the memorial to the two Houses, and in recommending the views and suggestions of the memorialists to the early and favourable consideration of the Legislature, with whom alone exists the power to afford the relief desired. The facts stated in the memorial are notoriously true, and it is due to public justice as well as to the memorialists, that a speedy and an effectual remedy should be provided. Permit me, gentlemen, to urge this subject upon your attention, and to express the hope that the appeal of the judges, which may be considered as addressed not to the sympathies but to the justice of the General Assembly, will not be disregarded.

GEO: WOLF.

Harrisburg, January 15th, 1834.

Memorial.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania, the memorial of the undersigned, judges of the Supreme Court, respectfully represents:

That previous to the organization of the present Circuit courts, there was a gradual increase of the business of the Supreme court produced by an increase of the population, habits of speculation, and the judicial organization of new counties. This increase was met by correspondent exertions on the part of the judges, and while the accumulation produced by it did not transcend their efforts, it was not felt by the public to be an evil. The re-establishment of the Circuit courts, instead of lessening, as was anticipated, the business in bank in a degree to compensate for the time consumed in circuit duties, has added very materially to the

previous accumulation. Many causes come from the Circuit courts by appeal; and not, as in the case of a writ of error, for the examination of a few abstract points of law, but for a re-investigation of the merits of the whole cause, including both the evidence and the law. An appeal from the Circuit court, therefore, is found to occupy double the time that is requisite for the hearing of a writ of error; and to say nothing of the time consumed on the circuits, the whole increase of business from this source, is a clear addition to what was sufficiently burthensome before. From these causes the accumulation has reached a point which renders the efforts of the judges though strenuously applied for more than three hundred days in the year, inadequate to reduce it or even keep pace with it.

The extraordinary exertions heretofore made, must necessarily be relaxed when the object to be attained by them is found to be a hopeless one. Even were the undersigned able to keep the business down by dint of labour, it would deserve consideration whether the rapidity with which it would be requisite to move, is compatible with safety in a court whose errors are without remedy in the particular cause. In the four country districts, the undersigned have usually despatched from seventy to a hundred causes in the four weeks, being at the rate of nearly four causes a day; and yet a considerable number have ordinarily remained untouched for want of time. In the Western district, the remanets amount to more than a hundred, and are yearly increasing. The consequences of this extreme haste, are occasional error, and a too frequent division of opinion, which lessens the authority of the decision, and would more seldom occur if time were allowed for deliberation. In order to eradicate an occasional vicious principle hastily introduced, before it has become inveterate, the undersigned are compelled to review their own decisions more frequently than seems to be consistent with the stability of judicial precedents. These remarks, however, are applicable only to the country districts. In Philadelphia, where the amount in contests is usually greater, and the arguments consequently fuller, there is sufficient time for reflection and consultation.

Though an appellate tribunal is not, in its design, a court for the despatch of the current of ordinary business, it seems that a large proportion of the litigated causes in the fifty-three courts of Common Pleas and District courts, finds its way into the Supreme court, besides a very considerable share

of the business in the Orphans' courts, and Quarter sessions. It is worthy of remark, too, that a new and no inconsiderable share of appellate jurisdiction, has been created by the act for the distribution of monies in court among lien creditors. In addition, it is the duty of the undersigned, beside the usual Nisi Prius courts at Philadelphia, to hold a Circuit court in each of the counties in which there are causes at issue (and there is usually business in three-fourths of them), the judgments in which ordinarily come up by appeal, to swell the business in bank. Finally a considerable share of business originates in the Supreme court itself, by Habeas Corpus, Mandamus, information in the nature of Quo Warranto, and the inspection of the charters of incorporation. From this, the Legislature may perceive that the business cast upon the court is more than it can bear. It is no alleviation of the circuit duties, to find that the number of causes in many of the counties is comparatively small. The time consumed is the same whether there is business for the whole week or not; and it is rather a source of vexation than otherwise, that a judge is sometimes compelled to travel two hundred miles to try a single cause.

The causes of the increase of business in the Supreme Court, are principally these:—1, The circuit duties imposed on its judges; and the consequent review in bank, of their own decisions:—2, The abuse of the right of appeal from the country courts:—3, The increase of population and consequent organization of additional courts:—4, The general increase of litigation from the increase of trade and speculation. The accumulation from the last two, cannot be prevented.

The undersigned are aware that the accumulation from the Circuit courts, is an inconvenience which it is difficult to deal with; and they express no opinion on the subject of their abolition. Still it is due to the occasion to say that such a measure is one of the very few whcih are practicable, and at the same time competent to afford anything like substantial and permanent relief. Should it be the pleasure of the Legislature to leave these writs untouched, something, though much less, might be accomplished by lessening the amount of the business derived from the county courts.

The excessive use of the writ of error, which is sensibly felt to be a grievance in Pennsylvania, is the result of an absence of all those checks, the affidavit of the suitor excepted, which are interposed to guard it from abuse elsewhere. The

costs in the Supreme Court are too inconsiderate to enter into the computation of the chances, or of the benefit to be derived from delay, even should the event be unpropitious. In appeals from the Circuit courts, even the affidavit, inefficient as it is found to be in other cases, is wanting. Including the tax of three dollars, the costs of a writ of error paid down at the purchasing of the writ, are barely five dollars; and those subsequently incurred are seldom as much more, and still more seldom paid. As an execution can not be issued from the Supreme Court on an affirmance or reversal, the prothonotary has no direct means of collecting his costs, but an action before a justice of the peace, which, if the party, as he usually does, lives in another county, is very inefficient. The lien which the officer has on record is fruitless, where no further steps are to be taken in the court below, as neither party has an object to accomplish in such a case, by carrying the record down; and where that was otherwise, instances have been known of a second trial by consent, without an actual transmission of the record. It may readily be imagined, then, that an unsuccessful party will not be deterred from taking the benefit of a desperate chance, where there is comparatively nothing to pay for it; and accordingly we find that three-fourths of the judgments removed, are affirmed.

In the courts of primary resort, justice ought to be as cheap as possible, because the presumption of right is not unfavorable to the party seeking redress. But when his cause has been adversely judged, by a tribunal competent to the decision of it, the presumption is positively against him; and if he will obtrude himself on another tribunal, it ought to be at his peril. If it were practicable, it might be desirable for the satisfaction of the suitors to make the appellate court as easy of access as are the primary ones; but as that cannot be done without choking up the appellate court, and causing a stagnation of the entire stream of justice, necessity requires that it should be otherwise. In some, if not all our sister states, a penalty proportionate to the matter incontroversy, is imposed on unsuccessful appellants or plaintiffs in error. In addition to this, if writs of error were subjected to the special allowance of a judge of the Supreme Court, where the matter in contest is under one hundred dollars, it would materially lessen a considerable part of the business, and prevent important principles which are sometimes involved in these small matters, from being decided without the lights afforded by a full argument.

Beside these causes of increase, it is not certain but that a too wide extension of the terms of the Supreme Court, has encouraged appellate litigation: and perhaps something might be effected by consolidating the three middle districts at the seat of Government. In any event, it would relieve the judges from a fruitless expenditure of two weeks, in additional journey to the western counties, caused by fixing the period for holding the term at Chambersburg, between the season for holding the Circuit Courts in those counties and the term at Pittsburg. Should it be the pleasure of the Legislature not to consolidate the middle districts, it is submitted whether this time would not be beneficially saved by placing the term at Chambersburg immediately after that at Sunbury, allowing a sufficient interval, however, for the judges to travel from the one place to the other.

Closely, though not necessarily connected with the foregoing, is the delay that has occurred in publishing the reports. Owing to the multiplication of law books every where, the unaided patronage of the profession is insufficient to quicken the pace of the reporters. The judges are unable to return an accurate recollection of their own decisions; and hence the decision of a cause is often deferred, in order to consult manuscripts at home, which would, in our sister states, where the exertions of the reporters are stimulated by the patronage of the government, be published, and on the table of the court. A prompt circulation of the latest decisions, would prevent many an unsustainable action from being instituted, and put a stop to those already brought. It is respectfully suggested that a small salary in addition to the profits of the book, would relieve the court and the profession from much inconvenience on that head.

The undersigned respectfully conceive that they discharge a duty which they owe to the public, in suggesting to the Legislature the existence of defects in our judiciary system, with which their business and situation render them particularly familiar. That they are actuated by no personal considerations, is proved by the undoubted fact, that no act of legislation can so far reduce the amount of labor which it will always be necessary for them to perform, as to leave them a longer period for their families and private concerns, than they at present enjoy. Under any modification of the system, their labor must be unintermitted. But the mischiefs they have indicated, being remedied, they would have the con-

relation of pursuing that plan there were adequate to the object, and the offices and the public satisfied.

All which is respectfully submitted.

JOHN B. GIBSON
MOLTON C. ROGERS
CHARLES HUSTON.
JOHN ROSS.
JOHN KENNEDY.

To the Senate with the Action of Certain States on the Subject of the Public Lands of the United States.

Gentlemen:

I HAVE RECEIVED FROM THE GOVERNOR OF the State of Georgia a communication accompanied by a report and resolutions of the Legislature of that State, relative to certain resolutions of the Legislature of the State of Tennessee, and a report and resolutions thereon by the Legislature of the State of Massachusetts, on the subject of the public lands of the United States, copies of which are herewith transmitted.

GEO: WOLF.

Harrisburg, January 15th, 1834.

Executive Department Georgia.
Milledgeville, 1st January, 1834.

Sir—In compliance with the request contained in a resolution thereto appended, I have the honor to transmit to you a copy of a report embracing the views of the public authorities of Georgia, in relation to proposals for disposing of the public lands belonging to the United States.

I am respectfully your obedient servant,

WILSON LUMPKIN.

His Excellency Governor of Pennsylvania.

In Senate.

The committee to the state of the republic to whom was referred so much of the governor's message in relation to the resolutions of the State of Tennessee, and the report and resolutions thereon by the Legislature of the State of Massachusetts, on the subject of the public lands of the United States, have attended to the duty assigned them, and beg leave to make the following report:

That without specifically enquiring into the means by which the United States government became possessed of the public lands, or the causes which drew the veil of the revolution, induced several of the States to transfer to that Government, all or a great portion of their unoccupied lands, under certain limitations and restrictions, specified in the several deeds of session or relinquishment, your committee deem it sufficient to state that these deeds and relinquishments, and all other purchases of lands by the United States Government, were made for the common benefit of the several States, that it is a common fund to be distributed without partiality, and to serve as the equal benefit of all the states. Your committee cannot perceive that an immediate sale of all the public lands as proposed by the resolutions of the State of Tennessee, would be expedient or desirable, but however palatable the object of the Legislature of Tennessee, but in view to the progress hitherto of the present theory of, as a permanent fund for the purpose of education. Yet your committee are of opinion that the disposition of the lands would interfere with the true policy of the government, with regard to its western territory as to the speedy occupation of that territory by actual settlers, and further, that such an immense body of lands at once thrown into the market, at reduced prices as is contemplated by those resolutions, would place it in the power of a combination of wealthy individuals, to purchase up those lands for the purpose of speculating upon their fellow citizens, who might wish to become, and who under the present system can become however poor they may be, the actual settlers of the country.

Your committee cannot perceive that the land bill introduced into the Senate of the United States by Mr Clay, and passed by that body, provides for the distribution of the public lands in that equitable manner contemplated by the States in their several deeds of session.

The Government of the United States have already acted upon a liberal policy towards the new States in admitting

them into the Union upon an equality with the old States as speedily as their numerical population would warrant their admission; there can, therefore, be no good reason why those new States should be entitled to any advantages in the distribution of the proceeds of the public lands, over the original States by whom these lands were purchased or ceded.

However acceptable to the people of Georgia the receipt of her dividend from the proposed sales might be, yet your committee regret that they perceive in this proposed distribution of a large portion of the revenues of the General Government, among the several States, only another method about to be adopted, to reduce those revenues, and thereby create a necessity and furnish an excuse to the majority in Congress for entailing still longer upon the people of the south, the unjust and odious tariff system.

Your committee therefore respectfully recommend the adoption of the following resolutions:

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the General Assembly disapprove of the resolutions of the General Assembly of the State of Tennessee, of the 21st December, 1831, in relation to the sale and disposition of the public lands of the United States.

Resolved, That the General Assembly admit the correctness of the views taken on the subject, in the four first resolutions of the General Assembly of the State of Massachusetts of the 28th March, 1833, but cannot admit the policy or expediency of a distribution of any part of the revenues of the General Government among the several States so long as any part of those revenues are raised upon the principle of a protective tariff of duties on foreign imports.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to oppose the passage of any law, having for its object the distribution of the proceeds of the sale of the public lands of the United States among the several States; and that his Excellency the Governor be requested to transmit a copy of this report to the President of the United States, the Governors of each of the States, and to each of our Senators and Representatives in Congress.

To the Assembly Transmitting the Report of the of the Adjutant General for 1834.

Gentlemen:

I HAVE RECEIVED FROM THE ADJUTANT General of the state of Pennsylvania, a communication accompanied by his annual report, containing a statement, in detail, of the number and condition of the militia and volunteers of this Commonwealth, together with a return of the arms, ordnance, camp equipage and military stores, deposited in the several State Arsenals, or which were in the hands of the militia composing the several brigades throughout the state, on the 31st of December last, copies of which will be laid before you.

GEO: WOLF.

Harrisburg, January 20th, 1834.

Adjutant General's Office,
Beaver, January 13th, 1834.

His Excellency Geo. Wolf, Governor of Pennsylvania:

Sir I have the honour herewith to transmit to your excellency, my annual report of the militia and volunteers of Pennsylvania; also a statement of the ordinance, camp equipage and military stores, in the state Arsenals, and in the several brigades throughout the Commonwealth.

You will perceive that the number of militia exhibited in the report of the present year is 165,393; and the number of volunteers of every description, 36,888 making in all 202,281; upwards of 13,000 more than was exhibited in the report of 1832. It is probable, however, that the actual increase is not quite so much; the returns appear to be less deficient than those of last year.

In my letter accompanying my last report, I stated that I had $418.81½ in my hands, being the proceeds of a sale of public arms, which I intended to apply to repairing the Meadville arsenal, during the last summer. Contracts were entered into, early in the season, for executing the necessary work; but the repairs did not progress as far as I had anticipated, and consequently there will be considerable to do in the ensuing season. However, what has been done is suf-

ficient to preserve the public arms and other property from injury by the weather. Of the above sum, I have expended $142.28½, leaving still in my hands the sum of $276.53, which shall be applied to the further repairing of the said arsenal as early as practicable.

The copies of discipline which were expected in the place of those that were lost at sea, and which I have had occasion to mention more than once, have not as yet been received. For those remaining in the office of the Secretary, I have issued orders to the several Inspectors to draw their respective proportional numbers of copies.

I have the honour to be,
Very respectfully,
Your obedient servant,
SAMUEL POWER,
Adjutant General P. M.

To the Assembly Concerning a Loan to the Commonwealth.

Gentlemen:—

THE MESSRS. S. & M. ALLEN, THE HOLDERS of the loan authorized by act of 16th February last, having failed to deposit to the credit of the Commonwealth, according to a requisition made upon them, the last monthly instalment of said loan, I deem it my duty to communicate the fact to the General Assembly, and to request that a temporary loan, of a sum not less than three hundred thousand dollars, may be authorized to be made forthwith, to satisfy the creditors of the Commonwealth, and to enable the State to meet its engagements with contractors and others employed in the prosecution of the public works; the said sum to be repaid out of the residue of the original loan above mentioned, as soon as the same can be realized under a new contract, for which proposals will be forthwith issued.

GEO: WOLF.

Harrisburg, January 24, 1834.

Proclamation of Reward for the Perpetrators of a Daring Bank Robbery in Philadelphia.

Pennsylvania ss.

[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas I have received authentic information that on the twelfth instant, a daring Robbery was perpetrated in the Philadelphia Bank to the amount of sixty-three thousand dollars, or more, by some person or persons unknown, who have hitherto eluded the pursuit of the officers of justice. And Whereas the reputation of the government, the peace and security of its citizens and the obligations of justice and humanity require that the perpetrators of crimes so atrocious should be discovered and punished, I have therefore thought proper to issue this proclamation hereby offering a reward of three hundred dollars to any person or persons who shall apprehend and secure the perpetrator or perpetrators of the said crime in the jail of the City and County of Philadelphia which is to be paid on the conviction of the perpetrators or either of them: And all judges, justices, sheriffs, coroners, constables and other officers of this Commonwealth, are hereby strictly required and enjoined, to be attentive and vigilant in enquiring after, and bringing to justice, the person or person guilty of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg this twenty-third day of January in the year of our Lord one thousand eight hundred and thirty-four, and of the Commonwealth the fifty-eighth.

By the Governor.

James Findlay,

Secretary of the Commonwealth.

To the Assembly with Certain Action of the State of North Carolina on Militia and Public Defense.

Gentlemen:

I HAVE RECEIVED FROM THE GOVERNOR OF the State of North Carolina, a communication, accompanied by a report and certain resolutions of the Legislature of that State, relative to the militia and the public defence, copies of which are herewith transmitted to the General Assembly for their consideration.

GEO: WOLF.

Harrisburg, January 28th, 1834.

Executive Department, North Carolina,
Raleigh, January 19, 1834.

Sir—In compliance with the request of the General Assembly of this State, I have the honor to transmit to you the accompanying report and resolutions of that body, adopted at the last session.

I am, Sir, with high respect,
Your obedient servant,
D. S. SWAIN.

To His Excellency the Governor of the State of Pennsylvania.

Report.

The joint select committee to whom was referred the message from the Governor relative to the militia and the public defence, together with the resolutions of the Legislature of the State of New York and Illinois upon these subjects, respectfully submit the following report:

The committee concur entirely with the opinions expressed by the Governor of this State and the Legislatures of the two States referred to, that the present militia system is unnecessarily burdensome and unequal in its operation upon the different classes of society; and that these very causes, instead of increasing, diminish its efficiency. No one who has paid the slightest attention to the militia trainings, as practised in this State, can have failed to perceive that, except in a few volunteer companies, military science is little understood, and discipline rarely enforced. It may well be doubted, indeed, whether the evils growing out of these periodical assemblages of the whole body of the community, which are too apparent to require illustration, do not more than counterbalance all the improvements which are made in the military art.

The committee are decidedly of opinion, that these evils can be remedied only by an entire change in the organization of the militia system by Congress. That the present term of militia service is entirely too long; that it should be confined to the young and the robust; and that proper measures should be adopted to render the training of this class effectual; that a well organized and disciplined force, though comparatively small in point of numbers, would be much more efficient in its character than the unorganized multitudes to which we are accustomed. Such a system would be calculated to beget a spirit of military pride, which could not but have a happy effect upon the country.

There can be do difficulty in pronouncing that the spectators who might witness the evolutions of a well trained corps would acquire much more correct notions of true military science, than can be gained by actual participation to any extent in the militia service as now regulated. This order of things would be greatly less expensive than that now pursued, and the expense would fall where alone it ought to fall—not on those who render the service, but on those whose per-

sons and property are peculiarly the objects of its protection.

The committee, therefore, recommend the adoption of the accompanying resolutions.

WILLIAM P. DOBSON, Chairman.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to adopt the necessary measures to render the system of militia discipline of the United States less burthensome in its character, and more efficient in its organization.

Resolved, That His Excellency the Governor be requested to transmit copies of these resolutions and this report to the President of the United States and the Governors of the several States, and to each of our Senators and Representatives in Congress.

To the Assembly with a Communication from the Canal Commissioners on the Construction of a Canal Basin at Erie.

Gentlemen:

I HAVE RECEIVED A COMMUNICATION FROM the board of canal commissioners, accompanied by a report of the burgess and town council of the borough of Erie, relative to their progress in the construction of the canal basin at that place, copies of which are herewith transmitted for the information of the General Assembly.

GEO: WOLF.

Harrisburg, February 4th, 1834.

Canal Commissioners' Room,
February 4th, 1834.

His Excellency George Wolf, Governor of Pennsylvania:

Sir—By order of the board of canal commissioners, I have the honour of transmitting to you, a report by the burgess and town council, of the borough of Erie, relative to the progress made in constructing a canal basin in that place, and the state of the funds appropriated thereto by the act of the

8th April, 1833, with a request that you will transmit the same to the Legislature, for their information,

I am yours,
Very respectfully,
JAMES CLARKE,
President of the board of canal commissioners.

To the Honorable, the Board of Canal Commissioners of the State of Pennsylvania:

The burgess and town council of the borough of Erie, respectfully submit the following report:

That in pursuance of an act of the General Assembly of this State, passed the 8th day of April, A. D. 1833, entitled An act granting the third section of the town of Erie to the borough of Erie, for the purpose of erecting a canal basin, in the bay of Presque Isle, they caused the said third section to be laid off into convenient lots and tracts, and sold the same at public auction, on the 6, 7, and 8th of August last, to the highest bidders, with the exception of one tract of fifty acres, which was reserved for the present, for the purpose of procuring timber from it, for the construction of the works.

The terms of sale were, one-half in hand; one-fourth in six months and one fourth, in twelve months, with approved security.

The amount received in hand, ...	$13,112 24
The amount due 6th February, 1834, ...	6,556 12
The amount due 6th August, 1834, ...	6,556 12
Total amount of sales, ...	$26,224 48

That in order to enable the corporation to lay out and construct such a canal basin, as would be suitable, a convenient and proper, at the proposed termination of the Pennsylvania canal, they addressed His Excellency, the Governor, and your honorable board, requesting the aid and assistance of an Engineer, in the service of the State. In reply they received an answer from James Clarke, the President of your honourable board, stating that you were not authorized by law to direct an engineer, but that he had written to Mr. Livermore, the Engineer on the French creek division, requesting him to render such aid and assistance, as was in his power, consistent with his other duties. The corporation then ad-

dressed Mr. Livermore, who promptly repaired to this place, and made a survey, plan and estimate of the work.

The plan proposed by Mr. Livermore was adopted by the corporation, and has been pursued as nearly as circumstances would admit.

The work is carried out in twelve feet water, and the whole area proposed to be included is about thirty acres, which will form a safe, convenient and spacious harbour for canal boats, and afford a sufficient depth of water for steam boats, and other vessels to come inside, when it shall suit their convenience, to discharge and receive freight, or for other purposes.

The corporation have already put down and nearly completed six hundred and sixty feet of pier works, and have on hand a large quantity of materials.

The amount already expended is, ... $9,207 06

They are of opinion, from what has been already done, that there will be sufficient funds to construct and entirely complete the work according to the plan adopted.

The importance of the improvement to the navigation and commerce of the place, is already apparent. There are now four large steam boats, and quite a number of schooners laid up for the winter, within the works now constructed. It is admitted on all hands, that it will form the most convenient and safe place, for vessels to lay up for the winter and to repair and fit out, that there is any where on Lake Erie, leaving an abundance of room for any number of canal boats, that may ever be required. It will also, as intended, form a most convenient and secure place for the lading and unlading of cargoes, from vessels and canal boats, and for shifting cargoes from one to the other, as may be required.

To the Assembly Concerning the Finances of the Commonwealth.

Gentlemen:—

RECENT EVENTS HAVE PRODUCED A change in the pecuniary relations of the Commonwealth, so sudden and unexpected, and of a character so blighting to the reasonable hopes and expectations which had heretofore been fondly cherished,

and which, from the flattering prospects the recent prosperous condition of the Commonwealth held out to us, we had every reason to believe would be realized, that I feel it my duty to bring the subject before the representatives of the people, as claiming, in a peculiar manner, their attention, and such prompt legislative action, as will be best calculated to meet the emergency.

Of the loan of three hundred thousand dollars, recently authorized by the General Assembly, to meet demands upon the treasury, arising from the failure on the part of the holders of the principal loan of last year, to comply with their contract, the sum of twenty-five thousand dollars still remains undisposed of; and for the balance of the last year's loan, amounting to seven hundred and twenty nine thousand dollars, and upwards, which had been thrown into the market, and which it was expected would have been negociated on the twenty-second instant, I regret to say, not a bid was received. A disappointment so extraordinary, was scarcely to have been expected, even under the present deranged state of the money market; but whilst we may regret that a combination of circumstances, so unpropitious and discouraging in their character, and bearing upon the important interests of the Commonwealth, should exist, it is, at the same time, gratifying to know, that the causes in which they originated are not ascribable to any depression of the credit of the State; to any want of punctuality in meeting its engagements; in the payment of interest upon its debt, or to any mismanagement on the part of those to whom has been intrusted the charge and administration of its fiscal and other concerns. I infer this from the fact, that if such cause had existed, its notoriety would long since have been made manifest. It is said by those conversant with such matters, and whose opportunities of acquiring correct information on the sub-

ject, entitles them to belief, that Pennsylvania stocks are in as good credit, and maintain as high prices in foreign markets now, as they have done at any time heretofore. To what cause then are we to look for the difficulties which embarrass us on every side? It must be owing to extraneous circumstances, unconnected with the Commonwealth or its transactions, and over which it has no control. We must be indebted, it is presumed, for this unpropitious state of things, to the existing excitement and alarm got up in relation to a supposed general state of pressure, distress and embarrassments said now to be prevalent in the money market, and about which we hear so much. All confidence in the currency of the country, is said to be destroyed; that banks as well as individual capitalists, are unwilling to adventure upon speculations or investments of any kind, or to part with their money upon any terms.—Various causes have been assigned for this alarming state of things, all more or less plausible. Among others it is said that the removal of the public deposites from the bank of the United States, by the General Government, has been the means of producing all the mischief and pressure under which the country is now labouring: and yet many of the friends of that institution admit, that a restoration of the deposites is not necessary to the relief of the money market. Whatever other causes may exist, it cannot be disguised that we have amongst us a powerful monied institution, which is at this time seeking, by all the means of which it is capable, to accomplish certain objects indispensable to its existence: and having an energetic, a firm and unbending antagonist to contend against, all its energies and all its powers (and they are of no ordinary character) have been put in motion to defeat his measures and to frustrate his designs in relation to it.

It can scarcely be doubted, from the course of opera-

tions that institution has been pursuing for some time past, (whether justifiable or not I will not undertake to determine,) that the State is indebted in a great measure for its disappointments heretofore, and for the failure to obtain its loan of Saturday last. Whether by bringing indiscriminate ruin and distress upon an unoffending community by the Bank is the most certain mode of obtaining a return of the public deposites, a renewal of its charter, or an extension of time to wind up its business, is a question for those who have the direction and management of its affairs, to determine. A milder and more liberal course might have been attended with more favourable results. The State of Pennsylvania may be crippled and embarrassed in her pecuniary arrangements, and paralysed for a time, in her efforts to complete her great chain of improvements, by the depressing policy of the Bank, but that is no reason why we should despair of the Commonwealth; our public works may languish for a season, but will not be suffered to languish long; the resources of the State are ample; her credit is unimpaired; her public stocks although under a momentary depression at home, are highly acceptable abroad, and will before long be as eagerly sought after by the capitalist as ever; the crisis in our pecuniary affairs must soon arrive, if we have not already reached it—the clouds of distress and despondency which have been, in my humble estimation, inconsiderately and needlessly brought upon us, must soon be removed, and a happy change and a more prosperous era must inevitably await us.

In the mean time, the balance of the old loan, for which no offer was obtained on Saturday last, will be again placed in the market, and continued there until it shall have been negotiated. I would take this occasion, respectfully to recommend to the consideration of the General Assembly, the propriety of passing a

law, forthwith authorizing a call upon the several State Banks, which by their charters are bound to loan to the Commonwealth five per cent. upon their capital actually paid in, for a compliance with that provision; part of this sum to be applied to the payment of debts of the Commonwealth due to contractors upon the public works, and the residue thereof to be made applicable to repairs along the lines of the public improvements. The board of canal commissioners will give the necessary information in reference to the sum that ought to be made applicable to each object. An immediate suspension of the work upon the several lines of improvement, until the loan first mentioned shall have been negotiated, will be indispensable. Permit me also respectfully to urge upon the consideration of the General Assembly, the propriety of authorizing a loan of such a sum as will be sufficient to finish the public works now in progress at least; for although the prospect is gloomy, and the money market may continue to be embarrassed for a time, yet that gloom and that embarrassment may pass away like a mist before the morning sun, and our pecuniary affairs may take a turn so favourable, as to enable us not only to obtain a loan upon advantageous terms, but also to complete the works alluded to, before the end of the coming season.

GEO: WOLF.

Harrisburg, February 26th, 1834.

To the Assembly Approving an "Act to Incorporate the Lumberman's Bank at Warren," with remarks on Banks and Banking.

Gentlemen:

I HAVE THIS DAY APPROVED AND SIGNED the bill entitled "An act to incorporate the Lumbermen's Bank at Warren."

In returning this bill it is proper to state that my

opinion in relation to banks has undergone no change, but that my convictions of their pernicious tendency generally have become strengthened and confirmed by reflections suggested by recent events. The bank proposed to be established, however, by the bill now under consideration, is intended to be located in the extreme North Western part of the State, remote from any monied institution within the State, and is intended to accommodate a community consisting of a hardy, industrious and enterprising yeomanry, engaged in the profitable but laborious business of lumbering, which is said to require a greater capital to carry it on successfully than can be furnished by individual means; and exposes those engaged in it to the oppressive usurious exactions of the banks and brokers of a neighbouring State. To afford relief to this valuable class of citizens, from the oppressive conduct on the part of those to whom they are obliged to apply for accommodations of which they complain, and to extend to them the same facilities to enable them to conduct their business successfully, which are enjoyed by their fellow citizens in other parts of the State, I deem it an act of justice to them to approve the said bill, and have directed the Secretary to return the same to the House of Representatives in which it originated.

GEO: WOLF.

Harrisburg, February 28th, 1834.

To the Assembly with the Action of the Ohio Legislature on the Junction of the Ohio and Pennsylvania Canals.

Gentlemen:

I HAVE RECEIVED A COMMUNICATION FROM the Governor of the State of Ohio, enclosing a preamble and resolutions adopted by the Legislature of that State, in relation to the junction of the Ohio

sylvania canals, which are herewith transmitted for the consideration of the General Assembly.

GEO. WOLF.

Harrisburg, March 15th, 1834.

Executive Office,
Columbus, Ohio, March 7th, 1834.

Sir—In compliance with a resolution of the General Assembly, I have the honour to transmit you a preamble and resolutions, passed by the General Assembly of Ohio, relating to a canal to connect the Ohio and Pennsylvania canals; and request that you would lay the said preamble and resolutions, before the Legislature of the State, over which you preside.

Very respectfully,
Your obed't, serv't.,
ROBERT LUCAS.

His Excellency, Geo. Wolf, Governor of Pennsylvania.

Preamble and resolutions relating to a canal to connect the Ohio and Pennsylvania Canals.

Whereas by an act of the Legislature of Ohio, passed January 11th, 1828, a company was incorporated to construct a canal from a point on the Ohio canal, at or near the mouth of Big Sandy creek, thence to the waters of Little Beaver, and thence to the eastern boundary of the State of Ohio, to intersect the route of the Pennsylvania canal. And whereas, before that time, to wit, on the 10th day of January, 1827, an act was passed by the same Legislature incorporating a similar company for constructing a canal from the Portage summit of the Ohio canal, to the waters of Mahoning river, and thence to meet or intersect the Pennsylvania, or Chesapeake and Ohio canal, at or near the city of Pittsburg in Pennsylvania: with liberty that in case either of said canals shall be continued from Pittsburg down the Ohio river, and up the valley of Big Beaver towards Lake Erie, there to intersect either of said canals, constructed as aforesaid, at the most suitable point; which act of incorporation was confirmed by an act of the Legislature of Pennsylvania, passed the 14th day of April, 1827. And, whereas, such a connection of the Pennsylvania and Ohio canals as is contemplated by either of said acts of incorporation, would be of the first importance to the Government of the United States, especially in time of war, as

well as to the citizens generally at all times, and consequently decidedly national in its character: Therefore,

Resolved by the General Assembly of the State of Ohio, That our Senators in Congress be instructed and our Representatives be requested to endeavor to procure the passage of an Act of Congress, granting to the State of Ohio five hundred thousand acres of the public lands to aid in the construction of a canal on such one of the above mentioned routes connecting the said Pennsylvania and Ohio canals, as the Legislature shall deem most practicable, and best calculated for the public good.

Resolved, That the Governor be and he is hereby requested, to forward to each of our Senators and Representatives in Congress a copy of the foregoing preamble and resolution; and also to the Governor of the State of Pennsylvania, requesting that the same be laid before the Legislature of that State, inviting their co-operation.

To the Assembly with Communications from the Secretary of War Objecting to a Contemplated Taxation of the Allegheny Arsenal.

Gentlemen:

I HEREWITH TRANSMIT COPIES OF A COMmunication recently received from the Secretary of the Department of War, and of a report of the Colonel of Ordnance accompanying the same in reference to a contemplated taxation of the Arsenal of the United States near the city of Pittsburg, to which I would invite the immediate attention of the General Assembly.

GEO. WOLF.

Harrisburg, April 7th, 1834.

War Department, March 20th, 1834.

Sir—I have the honor, herewith to enclose a report from the Colonel of Ordnance, by which it will be seen that it is in contemplation to tax the Arsenal of the United States near Pittsburg. The power to do this is certainly very doubtful, and the attempt to exercise it might lead to troublesome liti-

gation, or to an abandonment to the position. I am therefore directed by the President to request your Excellency to submit this subject to the consideration of the Legislature of Pennsylvania, in the hopes that a declaratory act will be passed expressly exempting this property from taxation.

Very respectfully, your most obedient servant,

LEW. CASS.

His Excellency George Wolf, Governor of Pennsylvania.

Ordnance Office,
Washington, March 18th, 1834.

Hon. Lewis Cass, Secretary of War:

Sir I have the honor to transmit, herewith, a letter from Major Baker dated the 12th instant, informing the Department of an opinion given by certain professional gentlemen, that the Act of the Legislature of Pennsylvania of the 19th March, 1816, giving assent to the purchase of land for the site of the Allegheny Arsenal, does not exempt the property from taxation. A copy of the act is contained in Major Baker's letter.

In connexion with this reference, it may not be improper to refer also to the Constitution of the U. S., article 1, Sec. 8, paragraph 16, which gives to Congress "exclusive legislation in all cases whatsoever over all places purchased by consent of the Legislature of the State, in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings."

Taxes have never been demanded on the property in question and should the opinion expressed by the professional gentlemen alluded to, prove to be correct, they would be enormous, as the sum of one and a half million of dollars has been spoken of, on which to raise the proposed tax.

The subject is respectfully referred to you to determine whether or not, any further legislation by the State of Pennsylvania is necessary in order to complete the jurisdiction of the U. S. and to avoid the payment of State taxes.

I have the honor to be,
very respectfully, sir,
Your ob't serv't.,

GEO. BOMFORD,
Col. of Ordnance.

Proclamation of Reward for the Apprehension of the Incendiaries who have set fire to the Mount Vernon Academy and other School Houses in its Vicinity.

Pennsylvania ss.

[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that the "Mount Vernon Academy" recently erected by the Mount Vernon Education Society of Little Beaver township, in the county of Beaver, in this Commonwealth, and also several school houses in the vicinity, have been lately entirely destroyed by fire, which there is good reason to believe has been the work of wicked incendiaries,

*PETITION FOR THE ISSUE OF THE PROCLAMATION.

To His Excellency, Geo. Wolf, Esq., Gov. of the Commonwealth of Pennsylvania:

The petition of the undersigned composing "The Select Council" of "The Mount Vernon Education Society" of Little Beaver township, Beaver county, incorporated the 11th December, 1828, for literary purposes and enrolled in the Secretery's office at Harrisburg, in Charter Book No. 5, page 79, &c.

The said society in pursurance of the said incorporation, had erected an Academy entitled "the Mount Vernon Academy" and [illegible] the same was entirely consumed by fire, the work of some incendiary or incendiaries; and whereas several schoolhouses have been recently burnt in the vicinity to the great detriment and discouragement of education, and a suspicion rests on some evil disposed persons, who reside in the vicinity with their connections, who are associated in other evil practices, that they are implicated in the offences aforesaid.

Your petitioners conceive that if a suitable reward was offered by the Executive it might induce some persons who have a knowledge of the matter to disclose the same, or lead in some way to bring the offenders to legal punishment.

thereby impoverishing the said useful Society and endangering the lives and property of many other good citizens of this Commonwealth. And Whereas, the reputation of the government, the peace and security of its citizens and the obligations of justice and humanity require that the perpetrators of so daring a crime should be discovered and punished, I have therefore thought proper to issue this proclamation hereby offering a reward of two hundred dollars to any person or persons who shall apprehend and secure the incendiary or incendiaries in the jail of the county of Beaver; which sum is to be paid upon the conviction of the perpetrator or perpetrators of the crime aforesaid; and all judges, justices, sheriffs, coroners, constables and other officers within this Commonwealth are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the person or persons guilty of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg this seventh day of August in the year of our Lord one thousand eight hundred and and thirty-four and of the Commonwealth the fifty-ninth.

By the Governor.

James Findlay,

Secretary of the Commonwealth.

Your petitioners therefore in the name of the corporation ask your Excellency if consistent with Executive authority, to grant a proclamation in the case in such manner as you may deem expedient, and your petitioners will, &c.

Samuel Harnit,
Daniel Campbell,
Josiah M'Caskey,
Nathaniel Harnit,
} Members of the Select Council.

The Mount Vernon Education Society, ss:

[L. S.]

I do hereby certify that Samuel Harnit, Daniel Campbell, Josiah McCaskey and Nathaniel Harnit now constitute the Select Council of said Society.

In testimony whereof I have hereunto set my hand and the Corporation Seal at Little Beaver, the 29th day of July, 1834.

JOHN CHATLEY,
Ass't Secr'y.

Proclamation of Reward for the Apprehension of a Certain Incendiary or Incendiaries Operating in Allegheny County.

Pennsylvania ss.

[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas I have received authentic information from a number of very respectable Citizens of the County of Allegheny, in this Commonwealth, that on the night of the twenty-seventh of May last, a valuable barn belonging to John A. Nesbit, Esquire, of Fayette township, in the said County, together with sundry other valuable property therein, was entirely consumed by fire, being the work of wicked incendiaries, who have hitherto eluded all efforts by the injured persons and others to arrest them, and bring them to justice; and since the burning of the said barn, have at divers times by anonymous letters, threatened the lives of several Citizens, and the destruction of other property in a similar manner, as well public, as private, in the neighborhood of the said John A. Nesbit: And Whereas, the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrators of so daring a crime, should be discovered and punished, I have therefore thought proper to issue this proclamation, hereby offering a reward of two hundred dollars to

any person or persons, who shall apprehend and secure the incendiary, or incendiaries in the jail of the County of Allegheny; which sum is to be paid upon the conviction of the perpetrator, or perpetrators of the crime aforesaid; and all judges, justices, sheriffs, coroners, constables and other officers within this Commonwealth are hereby required and enjoined to be attentive and vigilant in enquiring after, and bringing to justice the person or persons guilty of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg this twenty-third day of September, in the year of our Lord one thousand eight hundred and thirty-four, and of the Commonwealth the fifty-ninth.

By the Governor,

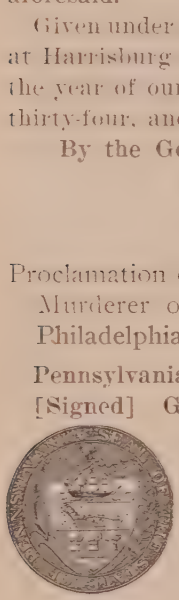
James Findlay,

Secretary of the Commonwealth.

Proclamation of Reward for the Apprehension of the Murderer of William Perry, late of the City of Philadelphia.

Pennsylvania ss.

[Signed] Geo. Wolf.



IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas I have received authentic information that William Perry, late of the city of Philadelphia, was on the afternoon of Friday the third of October, instant, wantonly, maliciously and inhumanly stabbed with a knife or

other sharp instrument by some unknown person, of which stabbing the said William Perry died, after languishing until about 2 o'clock of the following morning; And Whereas efforts to discover and bring to justice the perpetrator of said Murder have hitherto proved ineffectual; And Whereas the reputation of the Government, the peace and security of its citizens and the obligations of justice and humanity require that the perpetrator of an offence so heinous should be brought to speedy and condign punishment; I have therefore thought it proper and expedient (in addition to the reward already offered by the Mayor of the City of Philadelphia for the same object), to issue this my proclamation hereby offering a reward of six hundred dollars to any person or persons who shall discover, apprehend and secure within any jail of this Commonwealth the perpetrator or perpetrators of the said murder, to be paid upon his or their trial and conviction of the offense aforesaid; and all judges, justices, sheriffs, coroners, constables, and other officers within this commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the person or persons guilty of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this eleventh day of October, in the year of our Lord one thousand eight hundred and thirty-four, and of the Commonwealth the fifty-ninth.

By the Governor,

James Trimble,

Deputy Sec'y.

Proclamation Announcing the Election of Representatives of Pennsylvania in the Congress of the United States.

Pennsylvania ss.

[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas in and by an Act of the General Asesmbly of this Commonwealth entitled "An act to provide for the election of Representatives of the People of this State in the Congress of the United States," passed June the ninth, One thousand eight hundred and thirty-two, it is made the duty of the Governor on the receipt of the returns of the election held in the several Congressional districts in this Commonwealth to declare by Proclamation the names of the respective persons returned to him as duly elected in each district. And Whereas the returns of the General Election held on Tuesday the fourteenth day of October last, in and for the several districts for Members to serve in the House of Representatives of the Congress of the United States for the term of two years, from and after the fourth day of March next, have been received in the Office of the Secretary of the Commonwealth agreeably to the provisions of the above recited Act, whereby it appears That in the First district composed of East and West Southwark, Moyamensing, Passyunk, Kingsessing, Blockley, Penn township, Germantown,

Roxborough and Bristol, in the county of Philadelphia, Joel B. Sutherland has been duly elected. In the Second district, composed of the City of Philadelphia, Joseph R. Ingersoll and James Harper have been duly elected. In the Third district, composed of the residue of the County of Philadelphia, Michael W. Ash has been duly elected. In the Fourth district, composed of the Counties of Delaware, Chester and Lancaster, William Hiester, David Potts, Jun'r, and Edward Darlington have been duly elected. In the Fifth district, composed of the County of Montgomery, Jacob Fry has been duly elected. In the Sixth district, composed of the County of Bucks, Matthias Morris has been duly elected. In the Seventh district, composed of the Counties of Northampton, Pike and Wayne, David D. Wagener has been duly elected. In the Eighth district, composed of the countiesof Schuylkill and Lehigh, Edward B. Hubley has been duly elected. In the Ninth district, composed of the County of Berks, Henry A. Muhlenberg has been duly elected. In the Tenth district, composed of the Counties of Lebanon and Dauphin, William Clark has been duly elected. In the Eleventh district composed of the county of York, Henry Logan has been duly elected. In the Twelfth district composed of the counties of Adams and Franklin, George Chambers has been duly elected. In the Thirteenth district, composed of the Counties of Cumberland, Perry and Juniata, Jesse Miller has been duly elected. In the Fourteenth district, composed of the Counties of Mifflin, Huntingdon and Centre, Joseph Henderson has been duly elected. In the Fifteenth district, composed of the Counties of Columbia and Luzerne, Andrew Beaumont has been duly elected. In the Sixteenth district, composed of the Counties of Union, Northumberland and Lycoming, Joseph B. Anthony has been duly elected. In the Seventeenth district, composed

of the Counties of Susquehanna, Bradford, Tioga, Potter and McKean, John Laporte has been duly elected. In the Eighteenth district, composed of the Counties of Somerset and Cambria, Job Mann has been duly elected. In the Nineteenth district, composed of the Counties of Westmoreland and Indiana, John Klingensmith, Jr., has been duly elected. In the Twentieth district, composed of the Counties of Fayette and Greene, Andrew Buchanan has been duly elected. In the Twenty first district, composed of the County of Washington, Thomas M. T. McKennan has been duly elected. In the Twenty-second district, composed of the County of Allegheny, Harmar Denny has been duly elected. In the Twenty-third district, composed of the Counties of Clearfield, Jefferson, Armstrong and Butler, Samuel S. Harrison has been duly elected. In the Twenty-fourth district, composed of the Counties of Beaver and Mercer, John Banks has been duly elected; and in the Twenty-fifth district, composed of the Counties of Crawford, Erie, Warren and Venango, John Galbraith has been duly elected: Now, therefore, I have issued this Proclamation, hereby publishing and declaring that Joel B. Sutherland, Joseph R. Ingersoll, James Harper, Michael W. Ash, William Hiester, David Potts, Jun'r, Edward Darlington, Jacob Fry, Matthias Morris, David D. Wagener, Edward B. Hubley, Henry A. Muhlenberg, William Clark, Henry Logan, George Chambers, Jesse Miller, Joseph Henderson, Andrew Beaumont, Joseph B. Anthony, John Laporte, Job Mann, John Klingensmith, Jr., Andrew Buchanan, Thomas M. T. McKennan, Harmar Denny, Samuel S. Harrison, John Banks and John Galbraith have been returned as duly elected in their several Congressional districts before mentioned, as Representatives of the People of this State, in the House of Representatives in the Congress of the United States for the term of two years, to commence from and after the fourth day of March next.

Given under my hand and the Great Seal of the State at Harrisburgh, this nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty four, and of the Commonwealth the fifty-ninth.

By the Governor,

James Findlay,

Secretary of the Commonwealth.

Annual Message to the Assembly—1834.

Fellow Citizens:

TO COMMUNICATE INFORMATION OF THE state of the Commonwealth to those to whom the people have delegated the business of legislation at the commencement of their session, is an executive duty not less grateful than it is imperative; especially, when the actual condition of the State presents an aspect so truly prosperous as that which, in our own, is every where conspicuous. The season which we have just passed, has been distinguished for its general health, its liberal harvests, and for the general (I regret that I am not at liberty to say universal) peace and tranquility that prevailed. In every part of our flourishing Commonwealth, the hand of a beneficent Providence may be traced, dispensing its never failing blessings in rich profusion to all, and bountifully scattering its abundance over, it is sincerely hoped, a grateful land.

In our national relations we have been no less favored. A prosperity, as universal as it must be gratifying and acceptable to all, pervades every portion of our extensive Union, and sheds the blessings of contentment, independence and plenty, over an industrious, enterprising and intelligent people. Abounding in every thing that can promote the comfort, in-

crease the wealth, and ensure the happiness of a people; at peace with all the world, and in the enjoyment of a government which affords us security and protection in all our rights, as individuals and as a nation, at home, and commands universal admiration and respect abroad—we should be wanting in justice to the free and happy country in which we live, its institutions and laws, and the protection and security they afford us, as well as in gratitude to the bountiful bestower of all the blessings we enjoy, should we utter the voice of complaint, or suffer the murmurings of unthankfulness to escape our lips.

In this pleasing picture of prosperity and comparative tranquility, the only cause for regret, tending to mar the brightness of the retrospect, which otherwise would have been most cheering, is to be found in certain tumultuous risings of the people in some of our Atlantic cities, entirely at variance with that peace-loving, orderly character theretofore maintained by our citizens generally, and from which, I am sorry to say, our own proverbially staid and sober metropolis was not entirely exempt. In the progress of these riots many lives were endangered, and much valuable property was destroyed. The same lawless spirit extended itself, unhappily, also into one of the boroughs in the interior of the state, where similar outrages were committed as such wanton, riotous doings, independently of their tendency to peril and endanger human life, and individual property, are degrading to the character of a people, and a blot upon the integrity of its civil institutions, it is submitted for legislative enquiry, whether the existing laws furnish a remedy sufficiently prompt and energetic for crushing such outrages upon the peace of society, in their inception, as the public safety requires; or whether further legislative provisions for strengthening the arm of the civil magistrate, and clothing him with more ample powers to meet such emergencies with a promptness

and energy suitable to the occasion, would not have a tendency to prevent, as well as to check such unjustifiable proceedings?

It is with feelings, also, of deep and unmingled regret, that I am constrained, by a sense of public duty, to bring to the view of the General Assembly an occurrence of a most melancholy nature, which took place in the city of Philadelphia, in the month of October last, on the day assigned by law for choosing inspectors of the general elections throughout the State, by which an amiable, unoffending and highly estimable citizen was deprived of his life; having been wantonly and basely stabbed and wounded, with a deadly weapon, by some reckless assassin, who has hitherto escaped detection.

An outrage of a character which ultimately proved no less fatal to another individual, also took place, in the vicinity of the scene of murder above mentioned, on the day of the last general election, in the course of which the lives of a number of individuals were jeoparded, having been severely wounded with shot fired from muskets and other deadly weapons, and to which wanton outrage the death of the person alluded to is to be attributed. In retaliation for acts of violence so entirely indefensible, property of considerable value fell a prey to the fury of an incensed populace, whose feelings had become exasperated at the sight of the injuries inflicted upon their wounded friends. Whatever may have been the causes that led to such gross violations of law and order, it must be manifest to all, that such proceedings ought not to be tolerated in a government of laws, and in a country which boasts of its freedom —they are entirely incompatible with both. The subject is, therefore, brought to the notice of the General Assembly, as being the only department of the government possessing the power to provide an effectual remedy against a recurrence of

such disgraceful scenes of lawless atrocity and unjustifiable violence.

The people have an undeniable right to be protected by their government, in the exercise of that invaluable privilege of freemen, the elective franchise; and no means should be left unassayed to secure to them that right in its broadest form, and to be exercised in a manner at once safe from violence, and entirely free from every species of restraint. A revision of the laws regulating the general elections within this Commonwealth, with a view to attain the objects alluded to, would, I doubt not, be attended with the happiest effects.

In pursuance of the act entitled "An Act to continue the improvement of the State by canals and railroads," passed the fifth day of April last, authorizing the Governor to borrow, on the credit of the Commonwealth, the sum of two millions two hundred and sixty-five thousand four hundred dollars, a notice was prepared by the Secretary of the Commonwealth on the sixteenth of April, in the usual form, and published in newspapers printed at Harrisburg, Philadelphia and New York, inviting proposals for six hundred thousand dollars, part of the loan authorized as aforesaid, to be forwarded to the Secretary's office until one o'clock P. M. of the fifth of June then next; and for the residuary sum of one million six hundred and sixty-five thousand four hundred dollars, until one o'clock in the afternoon of the tenth day of July then next. On the first mentioned of which days the loan of six hundred thousand dollars was awarded to Elihu Chauncey, esquire, of the city of Philadelphia, at his offer of one hundred and two dollars and fifty-eight cents in money for every one hundred dollars of stock; being fifty-seven cents more per hundred dollars of stock than any other offer received for that portion of said loan—and on the tenth day of July, the

day assigned for that purpose, the residue of the said loan, being one million six hundred and sixty five thousand four hundred dollars, was contracted for with the Bank of Pennsylvania at the price or sum of one hundred and five dollars and three cents in money for every one hundred dollars of stock: being one cent more per share of stock than any other offer received for that portion of the loan aforesaid. By these several transactions, the State will have realized in premiums upon the receipt of the last instalment of said loan, the sum of ninety nine thousand two hundred and forty-nine dollars and sixty-two cents.

Although this sum falls far short of the amount received in former years in the shape of premiums upon loans, still, taking into consideration the unfavorable circumstances existing at the time the loans were contracted for, the consequence of a groundless panic or dread, impressed upon the minds of capitalists, disinclining them to adventure upon a transaction of such magnitude, the terms upon which the loan was disposed of were quite as advantageous to the Commonwealth as could reasonably have been expected. It is proper here to remark that the temporary loan of three hundred thousand dollars authorized by act of the twenty-seventh day of January last, and which was negotiated with certain banks, was repaid to the several banks on the first of August, out of the proceeds of the permanent loan above mentioned, in pursuance of a resolution of the General Assembly, passed the fifteenth day of April last.

By an act of Assembly, entitled "An act to fix the standards and denominations of measures and weights in the Commonwealth of Pennsylvania," approved the fifteenth day of April last, it is made the duty of the Governor to procure for the use of the Commonwealth within certain limited periods, positive standards of weights and measures; but no provision is made by

the act for defraying the expenses which must be incurred by a compliance with its directions. The propriety of appropriating a sum sufficient to carry the objects of the act into effect, to be drawn for as occasion may require, is respectfully suggested.

At the last session of the Legislature an act was passed for establishing a general system of education by common schools, throughout the Commonwealth, in compliance with a constitutional provision which, until then, although not entirely disregarded, had never been carried into effect in the manner intended by the members of the convention, to whose sagacity and profound political wisdom we are indebted for the present excellent constitution of our State. The act referred to was prepared, by those to whom the arrangement of its details was committed, under many embarrassing and discouraging circumstances and there would be no good cause for astonishment if it should be found to be not entirely perfect. The subject was new in Pennsylvania, the path to be trodden had never been explored; a former attempt to introduce the system had failed; and the question how far public opinion would go in sustaining such a project, could not then be distinctly ascertained. Petitions containing the names of many respectable individuals in different parts of the State in favor of such a measure had, however, been presented during the last and preceding sessions of the Legislature, and there was reason to believe that a strong desire was manifesting itself in favor of the adoption of some system that would have a tendency to give life and vigour to the cause of education throughout the State. By great industry, assiduity and perseverance, a mass of valuable information was obtained, which unfolded a fund of knowledge in relation to the advantages, the utility, the cheapness—in short the decided preference which a system of common schools, of general inter-

est, and sustained and encouraged by the public bounty, maintained over every other plan of education of a private or partial character. From a careful examination of the information thus collected, from every part of the Union in which the experiment of general education had been made, the principles of the bill alluded to were extracted and framed into a law, having passed both branches of the Legislature with a unanimity rarely equalled, perhaps never surpassed in the annals of legislation.

The provisions of this act have, it is understood, been adopted by all the school districts in some counties, partially in others, and in a few they have been rejected altogether. This, it is understood, was the case in some of our sister States, in the commencement of the system there; and it was to be expected in the inception of the system here. Every new measure, although it may have for its object to confer the most solid advantages upon the community in which it is to operate, is destined, for the most part, to encounter long cherished, inveterate prejudices, which it will be difficult to conquer, unless the most incontestible demonstrations can be given of its title to preference, on the score of unquestionable public utility, over that which it is intended to supplant. This act is said to be defective in its details; it probably is so; some of its provisions might possibly be improved by introducing salutary amendments. But as it will go partially into operation in the course of the coming year, its objectionable features will be developed by the practical experiments under it, and the remedies proper to be applied will present less difficulty after the defects will have been more distinctly ascertained. Such amendments as are obviously necessary to a more equal distribution of the public bounty or appropriation for the benefit of all the citizens of the State; to prevent the imposing of unequal burdens

upon those who accept the provisions of the act, and such as do not: or that will be discovered to be in any respect necessary for giving effect to the system, the General Assembly will not fail, it is presumed, to discover and to introduce.—Coming as you do from all parts of the State, you will naturally have brought with you a fund of information in relation to this important measure, which the Executive, whose opportunities for ascertaining public sentiment are more circumscribed, cannot be supposed to possess. It is exceedingly desirable that a system which is to exert an influence so universal and so all important, over the moral and intellectual character and condition of the people of this State, should not only be made as perfect as possible, but as acceptable and as agreeable as possible to those who are to be affected by it. That the system of education for which the act in question provides, is decidedly preferable in every conceivable point of view, to that now in operation, no man who will give himself the trouble to draw a faithful comparison between the two, can for a moment hesitate about or doubt. If the act now under consideration goes into operation, the odious distinction between rich and poor, wealth and indigence, which has heretofore precluded the children of many indigent, though honest and respectable parents, from a participation in the advantages of education under the present system, will be exploded; and the poor man's child will be placed upon an equality with that of his wealthier neighbour, both in the school room and when indulging in their necessary recreations.

Another decided advantage will be derived to fathers of families and others interested in educating children, from the provisions of this law, in the great diminution in the expense of tuition: whilst those who have no children to educate will be exposed to no increase of their taxes for education purposes, but in

all probability will have them materially diminished as soon as the system shall have gone fully into effect; but a further and still more important advantage than either of the other two, will result to the rising generation, upon which this law is more immediately to operate, from the more efficient manner of instruction, and the great disparity in the learning, the character and competency of many of the present teachers, and those to be employed hereafter. The want of these advantages constitutes the great defect in the system now in operation in Pennsylvania.

This may be emphatically pronounced to be a measure belonging to the era of seventeen hundred and ninety, and not to that of eighteen hundred and thirty four. To insist that it emanated from the Executive or the Legislature, however desirable it might be to appropriate the proud distinction of being its projector, is an entire fallacy. Such a monument of imperishable fame was not reserved for the men of modern times—it belongs to the statesmen of by gone days.—To the patriots who framed the constitution under which we live and under which we have been pre eminently prosperous and happy, belongs the proud trophy—it is to them we are indebted for this wholesome measure—they inscribed it upon the sacred tablet of the constitution as a lasting memorial of their determination, that universal education should form one of the pillars of the government; and as an abiding testimonial of the high value they attached to the dissemination of knowledge as a protection and safeguard to our free institutions: and we are admonished by the language of the matchless instrument which proceeded from their hands, as by a voice from the grave, that the solemn injunction which they engrafted upon it, in behalf of education, must not be disregarded.

Having, on several occasions, taken the oath pre-

scribed by law, for the Executive of the State, making it obligatory upon him, among other things, to support the constitution of the Commonwealth of Pennsylvania. I should have considered myself justly chargeable with inexcusable official delinquency, if, upon any proper occasion, I had omitted to urge upon the attention of the General Assembly, the propriety of carrying into effect a constitutional provision of no ordinary interest, which, after the lapse of more than forty years, remained, as it was on the day of the adoption of that instrument, to all practical purposes—a dead letter.

In my last annual message, I took occasion to introduce to the notice of the General Assembly the subject of corporations generally, and to suggest the propriety of restricting our legislation, in regard to conferring corporate powers, to such enterprises exclusively, as are of incontestible public utility; to the accomplishment of which individual capital and credit would be inadequate; and that it ought not to be extended to such branches of business as can be successfully carried on by individual exertion and individual means. The privilege of voting by proxy at elections for officers, and for deciding important measures connected with the management of such public bodies, was also alluded to as being incompatible with the spirit of our free institutions. My opinions in relation to these subjects have undergone no change, but on the contrary have been much strengthened since the promulgation of that document. It cannot be denied that every incorporation that is authorized, and every monopoly that is established, even for the most useful public purposes, is a deviation from that republican simplicity which the principles upon which our admirable form of government is predicated would seem to inculcate, and a virtual encroachment upon our liberties. By multiplying these formidable, irre-

sponsible public bodies, we shall, in the process of time, raise up within the Commonwealth an aristocratic combination of powers, which will dictate its own laws, and put at defiance the government and the people. We have recently had a strong illustration of the power and dangerous tendency of such institutions, and it may be well to learn wisdom from experience. These observations have been suggested by a knowledge of the fact, that a morbid, restless solicitude, to produce a state of incautious legislation, tending to precipitate a system of legalized speculation upon the people of this Commonwealth, has, for some time past, but too conspicuously manifested itself in our legislative halls, in the shape of applications for the incorporation of monopolies of various descriptions. A depraved, unsound spirit, evincing a vitiated anxiety for the establishment of banking institutions and other corporations possessing exclusive privileges, seems to have marked the era in which we live, as one peculiarly distinguished for its inveterate oppugnancy to the tardy but certain method of securing competency and independence, pursued by the men of other days, as well as for its peculiar predilections in favor of some shorter and less difficult path, by which to arrive at wealth and power.

To encourage this spirit any further, at this time, would be as unwise as our too liberal legislation in sustaining it heretofore was impolitic and injudicious. Public opinion seems to have set its seal of reprobation upon such a course– and instead of being favorable to a further extension of banking institutions, and their necessary concomitant, an increased paper circulation, its recent expression evinced a decided opposition to any measure connected with this subject, short of introducing into our circulating medium a due proportion of the metallic currency contemplated by the constitution of the United States. In order

to accomplish an object so desirable, and to reform the circulation within our own State by contracting or reducing the amount of paper money now afloat, and substituting in its stead a more sound and permanent standard of value, it seems to be essential that the legislation of the State with regard to an increase of banking institutions, should be forthwith checked.

It cannot be doubted that an increase of Banks, whilst they would add nothing to the actual capital of the country, would contribute largely to increase the already too redundant supply of bank paper, the value of much of which might well be questioned, should an immediate demand for converting it into specie be made and insisted on. Allow me also to suggest, for legislative consideration, another measure as a valuable auxiliary for introducing an increased circulation of the precious metals—I mean the propriety of extending the provisions of the act of Assembly entitled "An act concerning small notes for the payment of money," passed the twelfth day of April, one thousand eight hundred and twenty eight, to all bank notes of a denomination less than ten dollars. By causing bank paper of a description under the sum mentioned, to be gradually withdrawn from circulation, the introduction of gold and silver coins in sufficient quantities to supply the vacuum thus produced, would immediately follow. A more stable, sound and permanent circulation, in which the public would have confidence, would be established; over issues would be prevented; the exportation of gold and silver would in a great measure cease; the working classes of the community would receive an equivalent for their labor in which they could confide; wild and ruinous speculation would receive a wholesome check; and fluctuations in the value of property, so detrimental to the prosperity of the country, would be less frequent.

A further safe guard, against the ruinous consequences resulting to the community from excessive issues of bank paper, will be found in imposing wholesome restrictions upon those institutions, both in regard to their circulation and their credits or discounts, neither of which should be allowed to exceed a certain prescribed sum, over and above the amount of the capital stock of the institution, much reduced below that now allowed by law; and that a portion of the excess of dividends over a certain percentage to be determined by the Legislature, upon the amount paid on each share of stock, should be paid into the State Treasury, as an annual equivalent for the privileges conferred, to be applied to the education fund, or such other beneficial public purposes as the Legislature may from time to time direct. Such a course of Legislation, it is believed, would place our State institutions upon a basis at once solid and substantial; would quench the desire for an increase of banking privileges, and would go far to guard the community against the danger of those sudden expansions and contractions, which have heretofore so injuriously and ruinously affected all the great interests of the country, as well agricultural and manufacturing as commercial. There is no species of property that may, with a greater regard to justice, be resorted to for contributions to beneficial or useful purposes, than that which is derived from the profits arising from the business transactions of moneyed institutions. Being endowed with privileges from which the rest of the community is excluded, it is but reasonable that a part of the bounty they have received to the exclusion of others, should be returned to the public in ease of the burdens which would otherwise have to be borne by their less fortunate neighbors. In introducing the measures recommended into our moneyed system, care must be taken, however, that it be done cautiously and gradually,

and in a manner to enable those institutions to meet the change without the necessity of suddenly curtailing their business operations, or injuriously affecting the industry or the general prosperity of the country.

The fiscal relations of the Commonwealth for the year ending on the first day of November last, have been such as to enable the Treasury to meet the various demands upon it, notwithstanding the great diminution in the proceeds of some of the sources of revenue, and the heavy claims to which it was subjected by the liberal appropriations granted for local objects, during the last and preceding sessions of the Legislature, and which were called for within the last fiscal year.

The receipts into the Treasury for the year ending as above, including the balance remaining therein on the first of November, eighteen hundred and thirty-three, amounted to the sum of one million six hundred and fourteen thousand eight hundred and sixteen dollars and ninety-one cents; and the expenditures during the same period, were one million five hundred and sixty thousand seven hundred and twenty-four dollars and seventy-one cents, leaving a balance in the Treasury on the first of November last, of fifty-four thousand and ninety-two dollars and twenty cents; of which balance, however, the sum of fifty thousand dollars was due to the internal improvement fund, from which it had been borrowed for the purpose of meeting the payment of interest on the first of August last, in pursuance of the act of the fifteenth of April last—leaving a nett balance therefore in the Treasury, at the end of the fiscal year, of four thousand and ninety-two dollars and twenty cents.

The great disparity between the balance remaining in the Treasury at the end of the present and those of former years, is to be ascribed, in part, to causes which are beyond the possibility of control, and partly to

causes which are exclusively within the power and control of the Legislature. An unexpected diminution in the revenues arising from lands, auction duties, collateral inheritance tax and some other sources of revenue, constitutes the first class of causes; and a drain upon the Treasury authorized by large appropriations of money for numerous local objects, already alluded to, forms the second -the sums appropriated and paid at the Treasury during the fiscal year amounting in the aggregate to two hundred and thirty thousand and three hundred and thirty-one dollars and thirty-eight cents. The day is not far distant, when the finances of the State will justify a liberal appropriation of money for useful local objects of every description; but it is respectfully submitted whether, under the existing state of the revenue of the Commonwealth, sound policy does not require that there should be a prudent forbearance, in that respect, for the present; and until the revenues about to be derived from other sources than those now relied on, will justify greater liberality in our expenditures.

I would take occasion here to remark, that there is no officer either in the city and county of Philadelphia or in any of the counties of the State, whose immediate duty it is to attend to or to enforce the payment of the tax upon collateral inheritances, which in many cases is entirely evaded —and it is understood that there is great remissness and a want of correct knowledge necessary to the just and equitable assessment and apportionment of the duties upon licenses of wholesale dealers and retailers of foreign merchandise, and other sources of revenue, and that there are many thousands of dollars lost to the State annually, in the city and county of Philadelphia alone, which the vigilance of an active officer appointed for the purpose would secure and bring into the Treasury. To remedy this defect, therefore, in the collection of this

portion of the public revenue, allow me to recommend that the Attorney General and his deputies, in the city and county of Philadelphia and the several counties throughout the State, be invested with the authority necessary for compelling executors and administrators, in all cases in which the estates of their decedents are subject to the payment of the tax upon collateral inheritances, to render and settle their accounts, and to pay over the amount of tax due to the Commonwealth from such estates, at the times and in the manner prescribed by law; and to be authorized to aid in the apportionment and to enforce the collection also, of such other branches of the public revenue as may claim their attention—receiving as a compensation for their services, such reasonable per centage upon the sums by them collected, as may be considered to be just—or that such other measures may be adopted to accomplish the object, as the General Assembly may in their wisdom deem expedient and proper. It is believed that a strict attention to the collection of the revenues to which the Commonwealth is entitled, together with the accession from new sources, and a careful husbanding of the whole, will enable the State to meet all its ordinary engagements, and that the necessity for continuing in force the act entitled "An act to increase the county rates and levies for the use of the Commonwealth," passed the twenty-fifth day of March, eighteen hundred and thirty-one, and which will expire by its own limitation on the twenty-fifth day of March, one thousand eight hundred and thirty-six, may then be dispensed with.

I have the satisfaction to announce to the General Assembly that our public works, in the construction of which the State has been engaged for the last eight years, have been so far completed as to admit of transportation throughout their whole extent, except the second track of the rail-road across the Al-

legheny mountain, which, it is understood, will be finished in time for the opening of the navigation in the spring. Upon some of the other lines there are still minor jobs remaining unfinished, but which are rapidly progressing towards completion. For all practical purposes of transporattion, however, all the lines may be said to be finished, with the single exception mentioned.

The State has now seven hundred and twenty miles of public improvements, which in point of extent, execution and prospective usefulness, may challenge a comparison with any other structure known to modern times. Of these improvements, six hundred and one miles and a quarter consist of canals and slackwater navigation; and one hundred and eighteen miles and three-quarters are rail ways. The whole of these public works are so located as to penetrate those sections of the Commonwealth, which, from their known fertility and mineral wealth, gave the greatest promise of a successful commerce with the great Eastern and Western emporiums of the State; and more, perhaps, than any other sections, required those facilities which would have a tendency more effectually to develop their abundant, and in a measure still latent, resources and for transporting them to market, which these great State improvements were alone calculated to furnish.

The whole cost of construction which the Commonwealth will have incurred, when all her lines of improvement, now about to be completed, shall have been entirely finished, including the sum which will be required for that purpose for the current year, will amount to the sum of twenty-two millions one hundred and fourteen thousand nine hundred and fifteen dollars and forty-one cents. This sum will doubtless sound large to such as are unacquainted with the character of the improvements, their design, extent, and

great public importance; but when these are scanned and understood, and when it is known that these expensive works were constructed by the State in her own defence, to preserve her commerce from the grasp of powerful rival neighbors, and that her great chain of internal improvements has added, and will continue to add, incalculable millions to her present wealth and resources, the marvel will cease.

Upon most of the loans negotiated for the construction of the public works, the State received premiums to an amount, in the main, sufficient, in connexion with the other revenues set apart for that purpose, to meet the payment of interest upon the whole amount of the State debt, at the respective periods when the same became due.—The increase of tolls upon the public works will, it is not doubted, supply the place of premiums hereafter; and it is confidently believed that the people of no State in the Union, in which public works have been constructed at the public expense, have been less burdened with the payment of taxes in proportion to the extent and magnitude of the respective improvements, than the people of this State have been. And such are the flattering prospects in regard to the future revenues which the Pennsylvania canal and rail roads will produce, that it is more than probable, as I have before stated, that after the twenty fifth of March, eighteen hundred and thirty six, taxation for these objects will not be required.

The amount of tolls received on all the public improvements during the fiscal year ending on the first of November last, was three hundred and nine thousand seven hundred and eighty nine dollars and fifteen cents—there were, however, in the hands of the collectors before the close of the year, but which did not reach the Treasury until after the accounts for the year had been closed by that department, tolls

amounting to thirteen thousand seven hundred and forty-five dollars and ninety three cents, which added to the sum first mentioned, will make the amount actually received within the year three hundred and twenty three thousand five hundred and thirty-five dollars and eight cents. This sum falls considerably short of the estimate made at the close of the preceding fiscal year, and yet, considering the adverse circumstances which existed at the opening of the navigation in the spring, and the uncontrollable natural impediments which occurred in the summer and part of the fall, the receipts of tolls were quite as large as could have been expected. The operating causes which reduced their amount below the estimate of five hundred thousand dollars were, a want of preparation, at the commencement of the spring transportation, on the part of the owners of transportation lines, in not having provided a sufficient number of cars upon the Portage rail-road, nor an adequate number of boats upon the Western division of the canal, for conveying the merchandise and produce along the several lines to their respective places of destination. The delays consequent upon this state of unpreparedness, occasioned large quantities of merchandise to be sent to the west through other channels, which would in preference, under other circumstances, have sought a conveyance upon the Pennsylvania improvements. A drought in the west, of unexampled duration, reduced and continued the water of the Ohio river so low as to prevent western produce from reaching Pittsburgh by the steam boats, thus depriving the transports, upon the Pennsylvania lines of improvement, for a long time, of full cargoes to be carried to the eastern markets. Other causes may have contributed to diminish the amount of tolls, but those mentioned, it is believed, operated more powerfully than any other in producing that result.

A recurrence of such unpropitious circumstances cannot happen hereafter, as least so far as those engaged in the carrying trade upon the State improvements are concerned. It is understood that the owners of the several transportation lines of boats and cars, are making ample preparation for commencing and carrying on an active and extensive business during the next season; and as the public works will all then be in a condition for conveying all the merchandise and produce that may offer to their respective places of destination, and the public confidence in the stability and safety of that mode of conveyance will have become more confirmed and settled, the tolls to be received from the several improvements during the current year, may, it is believed, be safely estimated at double the amount of those received in the last fiscal year, which will be about six hundred and fifty thousand dollars. A higher estimate has, however, been made by the accounting officers upon data which in their opinion may be relied on.

For the amount of expenditures in relation to these works, and the details generally as connected with them, you are respectfully referred to the report of the Board of Canal Commissioners and the documents accompanying the same.

The great chain of valuable public works which may now be said to be consummated, and which every friend of Pennsylvania's true interests will contemplate with an honest glow of patriotic pride and pleasure, was for a long time considered of doubtful experiment, both in regard to its practicability and its ultimate success; and its eventual completion may well be regarded as a strong exemplification of the unlimited extent to which the achievements of a patriotic, enterprising people, actuated by a spirit of virtuous emulation and jealous of its rights, may be carried. Had this line of intercommunication between our great commercial metropolis in the East

and the head of steamboat navigation in the West never been completed, this powerful State, instead of commanding as she now does, and forever hereafter must do, a large and valuable portion of the western trade, by which her wealth and enterprise will be immeasurably increased, would even now have her commercial energies paralyzed and be doomed to stand by and with folded arms see not only the rich and endless commerce of the West lured by the channels of communication opened for it by her rival neighbors, to their great commercial emporiums, but even that of a large portion of her own territory would have passed out of her own limits by the same medium of conveyance, to the same places of destination.

The accomplishment of this portion of her great system of canals and rail roads, has, however, placed our State so firmly on the vantage ground, in respect to the commerce of the West, and will have so effectually secured the whole of her own, that it will be no easy task to supplant her hereafter in regard to either. And having gained this great and all important object, if it were possible that she should even be prevented from realizing a single dollar in the shape of tolls from her improvements, her true interests would nevertheless have been advanced to an extent immeasurably beyond their cost. But independently of the great advantage just mentioned, the inexhaustible stores of wealth which have hitherto lain dormant, and which her public works are destined to unlock: the increased value they will impart to every description of property throughout their whole extent; and the incalculable accumulation of tolls they will inevitably produce, will not fail to make Pennsylvania, as the God of Nature seems to have intended she should be, the first State in this great confederacy.

I cannot dismiss this subject without bringing to the view of the General Assembly the claims of the people of the North and North-Western portions of the State. They urge, and with reason, their title to a share of the public liberality in the construction of public works; they allege, what is most certainly true, that they have manfully stood by the system of internal improvement from its inception to the consumation of that portion of it which is now completed, and have given it aid and encouragement; that they have borne their share of the public burden, and contributed their money for its accomplishment, in the shape of taxes; they aver that the system, as originally designed, will not be completed until a connection shall have been formed with the Elmira canal, in the State of New York, by an improvement along the North Branch of the Susquehanna; nor until the waters of Lake Erie are made to intermingle with those of the Allegheny and the Delaware by opening a communication by some eligible route to be fixed upon for connecting the Harbor of Erie with the Allegheny river at Pittsburg. That the claims of these citizens are strong, is undeniable; that the system as originally designed was intended to embrace at least one of these points, if not both, is not doubted; that they have stood by and borne their share of the heat and burden of the day, in that which has been accomplished, it is but sheer justice to them to say; that the true policy of the State as well as the justice of the claims preferred, favor the project of carrying the system to its consummation, at no distant day, will scarcely admit of a doubt. The claims are respectfully submitted; the time, the manner and the means are subjects worthy of profound Legislative deliberation; and the state of the public finances as connected with immediate operations, must form a distinguished feature in the decision of the General

Assembly upon these important measures. It is but just that, in connexion with the subjects adverted to, I should mention the contemplated connection of the Ohio canal with the Pensylvania improvements, at some point to be designated by the Legislature of that State. No decisive steps have, however, as yet been taken by the State of Ohio for carrying the contemplated measure into effect. Should a movement be made by her Legislature for authorizing the proposed connection, it seems to me the subject holds out advantages too important to be neglected, and which should induce immediate corresponding measures on the part of the General Assembly of this State. I would also mention, whilst upon the subject of our internal improvements, that upon the argument of a bill in equity filed in the Circuit Court of the United States for the Eastern district of Pennsylvania, praying an injunction to restrain certain superintendents and agents of the Board of Canal Commissioners from proceeding in the erection of a dam, digging a trench, and diverting and using the water of a stream of water on the land of the complainants, for the purpose of establishing water stations for supplying the locomotive and stationary engines upon the Philadelphia and Columbia rail road with the necessary quantity of water, the court, although they admitted that taking the several acts of the last session, authorizing the purchase of locomotive engines, and the preservation of water stations, drains, &c., belonging to said road, in connection, their phraseology went far to show that it was the intention of the Legislature to authorize the making of the latter; yet they seemed to doubt whether such intention could be so made out as to convey the power to enter on private property and make a permanent appropriation of a water course for such a purpose.

As this question is intended to be brought before

the court shortly for final adjudication, I shall be excused, I trust, for urging upon the immediate attention of the General Assembly the necessity of removing all doubt upon this subject, by the passage of an act declaratory of the intention of the legislature to vest in the appropriate officers of the commonwealth the necessary powers for carrying into effect the contemplated improvement, and for using all the appropriate means for rendering it available for the purposes for which it was originally designed. It is proper to mention, at the same time, that the discussion of the question alluded to has elicited a fact which theretofore had escaped observation, namely, that there is not either in the several acts referred to, nor in any of the preceding acts passed for the improvement of the state by canals and rail roads, any express provision made for authorising the appropriation of the property of individuals for their location or that of their necessary appendages, or for taking the materials and other requisites indispensable for their construction, and for making them usefully operative when completed. Nor is there any direct or express authority contained in either of those acts, for making compensation for private property thus taken for public use, although from their phraseology all those powers are abundantly implied.

In order therefore that the several powers and authorities intended to be conferred by law upon the agents of the commonwealth in the particulars referred to, may be stripped of all difficulty and doubt for the future, allow me respectfully to recommend that they be severally incorporated in express terms, among the provisions to be contained in the declaratory act, the early passage of which has just been urged upon your consideration.

It is ardently desired by a large portion of our fellow citizens that a thorough revision of the present

militia system should take place. This measure is one of the first impression and will not be overlooked by a vigilant legislature. The views expressed in the last annual message, with regard to that important arm of our national defence, are still entertained, and the opinion that to make the system effective, legislation in regard to it must commence in congress, is confirmed by the action of the legislatures of several of our sister states in calling the attention of that body to it.

Resolutions adopted by the General Assembly, directing the attention of our senators and representatives in congress to the subject, might have a tendency to quicken the action of that body in relation to it. The resolutions might be so framed as to urge upon the legislatures of the other states of the union, the propriety of adopting similar measures, with a view to the more speedy and effectual accomplishment of the object.

A letter has been received from the Honorable William Wilkins, late a senator in congress, resigning his seat in that body. The attention of the general assembly is respectfully invited to the subject, in order that the vacancy may be filled at as early a period as practicable, congress being now in session and a full representation of the state, in that body, desirable.

A further report by the commissioners appointed to revise the civil code may be expected shortly. The gentlemen engaged in that arduous work are laboring assiduously to bring it to a close. The undertaking is one requiring much investigation, deep reflection and great care in the compilation and arrangement of the subject matter, as well as the detail, necessary to enter into a code of laws for regulating the civil relations of a community so numerous and diffuse as ours; and it may become necessary to grant a further extension of the time allotted to them, in

order to enable them to complete a work which they have been prosecuting with so much ability, and, I may add, with so much advantage to the public. Several of the bills reported by the commissioners have not received the legislative sanction, but remain among the unfinished business of the last session. Some of those bills would, it is understood, if enacted into laws, be of primary importance, and especially that relating to the inspection of produce of various descriptions, as it would have an important bearing upon the western trade seeking transportation upon our canals and rail roads, and consequently upon the amount of tolls to be derived from them.

An agreement has been concluded and signed by the commissioners appointed on the part of this State and the State of New Jersey, in relation to the use of the waters of the Delaware river, which will require the sanction of the Legislatures of the respective States to render it effectual.

The report of the commissioners will be laid before you shortly, together with the agreement. From the high character of the gentlemen entrusted with this negotiation, for intelligence and capacity, we may reasonably anticipate that such an arrangement has been made, as will be entirely satisfactory to the people of both States, by effectually securing the rights of each.

The arrangements of the districts for holding terms of the Supreme court, made at the last session of the Legislature, and the entire abolition of the Circuit courts, seem to have met the approbation generally of those connected with the administration of justice. The change is believed to have operated a great relief to the Judges of that court, by ridding them of an exceedingly oppressive weight of judicial labor; while it has placed them in a condition to put an end to the complaints of "the law's delay," and enabled them

to despatch the public business with promptness, and with more satisfaction to themselves, as well as to those who are to be affected by their decisions. Several bills, I understand, will be laid before you at an early period of your session, by the commissioners appointed to revise the civil code, relative to the courts, their jurisdiction and powers, and the administration of justice generally, which will doubtless receive the attention of the General Assembly, during the present session. I am not aware that any important change in the organization of the courts of Common Pleas is desired at this time.

By an act approved the 27th February, one thousand eight hundred and thirty three, one hundred and thirty thousand dollars were appropriated for completing the Eastern, and sixty thousand dollars for effecting certain alterations in the Western penitentiary, which latter sum was increased by an additional appropriation of twenty thousand dollars by the act of the fifteenth of April of the present year. These several sums have been expended in prosecuting the work they were designed to accomplish, and in the Eastern penitentiary the cells, directed by the Legislature to be built, have been erected and permanently covered in. A considerable portion of the work, however, still remains unfinished, and the whole will not be completed before mid-summer of the ensuing year. For the entire completion of the work, an additional appropriation will be required. In this institution there were confined on the first of January of the present year, one hundred and fifty male and two female prisoners, and between that period and the first of November following, eighty-four male convicts were received into, and twenty-four males and one female were discharged from the penitentiary, by expiration of sentence, eight were pardoned and five died—leaving in the establishment at the date last mentioned,

two hundred criminals convicted of various offences, of which one hundred and ninety-nine are males and one female. In the Western establishment, a block consisting of one hundred and four cells, which had been commenced in the spring of eighteen hundred and thirty-three is now completed; the observatory and apartments connected with the same are also nearly finished. Another block of seventy-six cells is rapidly progressing towards completion. A variety of other works, consisting of flag stone floors, gallery, &c., are in progress and will soon be finished. Such alterations, it is understood, have been made in this building and the arrangement of the cells, as to have enabled those entrusted with the government of the institution to put the system of solitary confinement and solitary labor partially into operation. A report was made by the architect to the board of inspectors, showing the alterations, the improvement in the material and form of construction of the cells, the progress of the work, &c., together with an estimate of the sums necessary for its partial completion and the completion of the structure to the whole extent of its original design, copies of which have been forwarded to the Executive and will be laid before you.

In this prison there were, at the commencement of the present year, one hundred and four convicts; between that period and the twenty-first of November, there were received into it forty-three; discharged from it fifty-three, and three died—leaving at the last mentioned date, ninety-one criminals of various offences.—Owing to sickness which prevailed to a considerable extent among the prisoners confined in the Western penitentiary, and which is ascribed in some measure to the dampness of the new cells, and the want of profitable employment for them during the season, the proceeds of their labor, which consisted

for the most part of picking oakum, will fall short of the sum required for their support by about one half.

Preparations are now making to employ the convicts extensively in the manufacture of cotton goods, as soon as the prices of such manufactures will justify that measure; the business of shoe-making will also be vigorously carried on, and it is intended that the prisoners shall all be so employed hereafter as to ensure sufficient earnings to defray the entire expense for their maintenance and support.

From communications received from the intelligent wardens of both these extensive punitory structures, it is manifest that the system of solitary confinement with labor obviates the necessity of inflicting rigorous corporal punishment of any kind; neither the lash nor fetters nor chains are necessary for subduing the most hardened convict; the chances of escape are greatly diminished; and the discipline of the penitentiary, as now practised, carries greater terror into the ranks of evil doers than any other heretofore devised.—It is believed, by those whose opportunities of judging entitle their opinions to respect, that the dread of this kind of punishment has in some measure prevented the commission of crime in the Western district; the number of convicts received into that prison during the present, being much less than that of those received in the preceding year.

Such has been the growing confidence in the superiority of this system over that of any other, within the range of criminal jurisprudence, that several of our sister states are constructing penitentiaries for their respective states upon the Pennsylvania plan and others are about to follow their example.—These establishments should as soon as possible be put in a condition to answer the end designed—the reformation of the convict, and his restoration to the bosom

of that society whose peace he has disturbed, and against whose laws he has offended: Whether the general assembly will authorize the completion of the whole of the work at this time, or to what extent, will be for them to say. Should the appropriations be made, however, it will be necessary to provide a fund to meet them, other than those now provided and relied on to meet the ordinary demands upon the treasury.

I have exhibited very briefly, but imperfectly, the advantages which the present penitentiary system as practised in Pennsylvania possesses over every other known to the criminal code, as well for subduing the refractory spirit of the convict, as for his reformation and the prevention of crime, and have to regret that I am constrained by a deep sense of paramount public duty, to communicate to the General Assembly the unpleasant information, received from a high official source, of abuses charged by individuals as existing in the economy and general management of the institution denominated "The Eastern Penitentiary," which for the honor of those implicated, it is sincerely hoped may turn out to be unfounded. The charges alleged may be comprehended under the following summary - Frequent misapplication of the public property and public labor to the private advantage of various persons connected with the institution: cruel and unusual punishments inflicted on refractory convicts: and the indulgence in great irregularities and gross immoralities on the part of those concerned in the management and general superintendence of the institution. It is due no less to the reputation of those implicated in the charges which have been thus presented, than to the character of the institution itself, that an immediate inquiry should be instituted into the truth or falsity of the several allegations, in order that a speedy corrective may be applied if true, or

that the innocence of the accused may be made to appear, if false. Believing that the representatives of the people are the rightful guardians of these institutions, and the legal and constitutional protectors of the rights of their unfortunate inmates, I have considered it my duty to bring the subject to their notice, under a firm conviction that it will receive from them that consideration and attention which its importance requires.

All the duties devolving upon the Executive under acts or resolutions of the General Assembly, requiring immediate attention, have been promptly performed.

In conclusion, permit me to congratulate you upon the favorable auspices under which you are about to commence your legislative duties; the prosperous and happy condition of our country generally and of our own Commonwealth more especially; the improvements which are every where exhibiting themselves, as well in science and in the arts, as in the physical relations of the country; the steady advancement of our agriculture, commerce and manufactures, to a state ensuring to those engaged in them, competency and independence; the manifest diminution of vice; the perceptible growth of virtue, and the visible increase of a wholesome public morality. Permit me to assure you of a hearty concurrence in every constitutional measure tending to the public good; and may He who is the fountain of all wisdom, guide and direct your deliberations, and lead you to the adoption of such measures as will ensure the general welfare.

GEO: WOLF.

Harrisburg, December 3, 1834.

To the Assembly Transmitting Certain Documents from the War Department Concerning a Federal Purchase of Land near the Allegheny Arsenal; also Certain Legislative and Executive Documents from the State of Georgia Concerning a Bank of the United States and a Certain Resolution of Said Legislature.

Gentlemen:

I HASTEN TO LAY BEFORE YOU, FOR YOUR consideration, copies of a letter recently received from the Secretary of the Department of War, with accompanying documents, relative to a purchase of land made by the United States near the Allegheny arsenal at Pittsburg, and requesting that a law may be passed by the Legislature of this State vesting the jurisdiction over the same in the United States.

I have also received a communication from the Governor of the State of Georgia, accompanied with a preamble and resolutions instructing their Senators and requesting their Representatives to use all proper means to prevent the charter of any Bank of the United States; and also instructing their Senators to vote that the resolution adopted in the Senate on the 28th of March last, declaring "That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," be expunged from the Journals of the Senate; copies of which will be laid before you.

GEO: WOLF.

January 5th, 1835.

[DOCUMENTS OMITTED.]

To the Assembly Transmitting the Annual Report of the Adjutant General.

Gentlemen:

I HAVE RECEIVED FROM THE ADJUTANT General of the State of Pennsylvania, a communication accompanied by his annual report, containing a statement in detail of the number and condition of the militia and volunteers of the commonwealth, together with a return of the arms, ordnance, camp equipage, and military stores, deposited in the several state arsenals, or which were in the hands of the militia composing the several brigades throughout the state, on the 21st of December last, copies of which will be laid before you.

GEO: WOLF.

Harrisburg, January 20, 1835.

[DOCUMENTS OMITTED.]

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*Proclamation of Reward for the Apprehension of Incendiaries who caused the Destruction of a Mill and Other Property of Samuel Hamilton of Allegheny County.

Pennsylvania ss.

[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

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*PETITION FOR THE ISSUE OF THE PROCLAMATION.

To His Excellency, George Wolf, Esquire, Governor of the Commonwealth of Pennsylvania:

The undersigned citizens of the City of Pittsburg and vicinity, would respectfully bring to your notice two instances of the most atrocious outrage, perpetrated during the past year, upon the property of Mr. Samuel Hamilton, of Mifflin township in this County (Allegheny). Mr. Hamilton is a respectable and industrious farmer, and was wealthy, until the night of the

A PROCLAMATION.

Whereas I have received authentic information from a number of very respectable citizens of Pittsburgh and its vicinity, in the County of Allegheny, in this Commonwealth, that on the night of the twenty-fourth of March in the year One thousand eight hundred and thirty four, a valuable Steam grist and Saw Mill, with a Stable, and two thousand bushels of grain, the property of Samuel Hamilton, of Mifflin township, in the said County, was entirely consumed by fire; and that on the night of the twentieth of September last, fourteen thousand feet of boards, and twenty five thousand shingles other property of the said Samuel Hamilton, were destroyed in a similar manner, all which the said Citizens believe to have

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24th of March last, when his Steam-Grist and Saw Mill were set on fire by some incendiary or incendiaries and the whole including his Stable and two thousand bushels of grain, totally destroyed, inflicting on him a loss of Seven thousand dollars. Mr. Hamilton being industrious and enterprising made preparations for rebuilding his Mill, when on the night of the 20th of September last, the atrocity was renewed, by setting fire to and destroying 14,000 feet of boards and 25,000 shingles that he had prepared, and on the 22d of October following he received an anonymous and threatening letter, intended to intimidate him from any further rebuilding. He has, so far, not been able to discover any satisfactory clue by which he might pursue the villains to detection. Comment upon the hardship of his case, and the malignity with which he has been persecuted, can not at all be necessary, after the foregoing statement of facts. It is, moreover manifest that a great outrage has been committed upon those inestimable rights, in which every good citizen has a deep interest; and under this belief, we have taken the liberty to request your Excellency, to issue your Proclamation offering a suitable Reward for the discovery and apprehension of the villains.

We are very respectfully,
Your obd't servants,

Samuel Pettigrew,	A. Brackenridge,
P. Mulvany,	D. Lynch,
John McFarlane,	Alex McClure,
H'y Drake,	James Patterson,
Wm. McClure,	James H. Neel,
Jno. P. Bakewell,	Robert Hamilton,
Hervey H. Peterson,	James Ferguson,
E. Scoville,	John Ferguson,
Wm. Robinson,	E. H. Withirgton,
Wm. McCandless,	E. J. Roberts.

been the work of wicked incendiaries who have hitherto eluded all efforts by the injured person, and others, to arrest and bring them to justice; and that since the burning of the said property, the said Samuel Hamilton has received an anonymous and threatening letter, intended to intimidate him from any further rebuilding his mill, for which he had made preparations. And Whereas the reputation of the government, the peace and security of its Citizens and the obligations of Justice and humanity require that the perpetrators of so daring a crime should be discovered and punished, I have therefore thought it proper to issue this proclamation, hereby offering a reward of Two hundred dollars to any person or persons who shall apprehend and secure the incendiary or incendiaries in the jail of the County of Allegheny, which sum is to be paid upon the conviction of the perpetrator or perpetrators of the crime aforesaid, and all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to Justice the person or persons guilty of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg this sixteenth day of February, in the year of our Lord One thousand eight hundred and thirty-five, and of the Commonwealth the fifty-ninth.

By the Governor,

James, Findlay,

Sec'y of the Commonwealth.

To the Assembly Transmitting Certain Documents from the War Department Concerning the Cumberland Road.

Gentlemen:

I HAVE RECEIVED A COMMUNICATION FROM the Secretary of the War Department, enclosing a copy of an act of Congress "For the continuation and repair of the Cumberland road," appropriating for the entire completion of repairs of said road east of the Ohio river, the sum of three hundred and forty-six thousand one hundred and eighty-six dollars and fifty-eight cents, but providing that before any portion of the sum appropriated shall be expended in the repair of said road east of the river Ohio, the same shall be surrendered and accepted by the states respectively through which the same passes, &c. Believing that the act of Assembly of this State, of the 4th April, 1831, makes no provision for the case presented by the act of Congress referred to, I have directed copies of the same to be transmitted to the General Assembly, for their consideration and such legislative action as in their judgment shall be deemed necessary and proper to carry the same into effect.

GEO: WOLF.

Harrisburg, March 10, 1835.

[DOCUMENTS OMITTED.]

*Proclamation of Reward for the Apprehension of James Cowan an Escaped Murderer.

Pennsylvania ss.

[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas I have received authentic information that a certain James Cowan who was lately imprisoned in the jail of the County of Allegheny, in this Commonwealth, upon a charge of having committed the crime of Murder, escaped from the said prison on the night of the sixteenth instant between

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*PETITION FOR THE ISSUE OF THE PROCLAMATION.

Pittsburgh, 17 March, 1835.

Dear Sir:

At the request of the Sheriff of this county I send you his advertisement offering a reward for the apprehension of James Cowan who escaped from the county jail last night under the circumstances mentioned in the handbill.

It is believed to be such a case as will warrant an Executive proclamation, with the offer of an additional reward.

I am, Dear Sir,

Very truly y'rs,

T. B. DALLAS.

JAMES FINDLAY, ESQ.

$500 Reward.

Broke Jail on the night of the 16th inst. between the hours of twelve and two o'clock,

James Cowan,

Imprisoned in the Jail of Allegheny County upon a charge of Murder, aged about 21 or 22 years, about 5 feet eight inches high, light complexion, light brown hair, has a scar on the back of the left hand extending about half way across from the little finger towards the thumb; has small feet.

It is supposed he took with him a coarse Petersham short overcoat, a coarse grey cassinet roundabout, coarse grey cassinet pantaloons and two

the hours of twelve and two of the Clock: and hitherto has eluded all efforts of the Sheriff of the County of Allegheny, and others, to apprehend and secure him in the said Jail. And Whereas, the reputation of the government, the peace and security of its Citizens and the obligations of Justice and humanity require, that the said offender should be apprehended, secured and punished; I have therefore thought it proper to issue this Proclamation, hereby offering a reward of Three hundred dollars to any person or persons who shall apprehend and secure the said James Cowan in the Jail of the County of Allegheny; which sum is to be paid upon his being convicted of the crime with which he stands charged; and all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing the said James Cowan to justice.

Given under my hand and the Great Seal of the State at Harrisburg this twentieth day of March, in the year of our Lord one thousand eight hundred and thirty-five and of the Commonwealth the fifty-ninth.

By the Governor,

James Findlay,

Sec. of the Comm'th.

The said James Cowan is aged about 21 or 22 years, about 5 feet 8 inches high, light complexion, light brown hair, has a scar on the back of the left hand extending about half way across from the little finger towards the thumb and has small feet.

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red flannel shirts. The above reward will be given for the apprehension and safe delivery of said prisoner to the jail of Allegheny county, Pennsylvania.

E. TROVILLO,
Sheriff of Allegheny County.

Sheriff's Office,
Pittsburgh, March 17th, 1835.

Proclamation of Reward for the Apprehension of James Hadey, John Hadey and Two Others, unknown, charged with the Murder of William Jackson, late of Philadelphia.

Pennsylvania ss.

[Signed] Geo. Wolf.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas I have received authentic information that William Jackson, a Citizen of this Commonwealth, was about the hour of nine o'clock in the evening of the seventh instant, atrociously murdered at the house of Benjamin Jones, at the corner of Washington and Thirteenth streets in the county of Philadelphia; and that his murderers are believed to have been James Hadey and John Hadey, with two others whose names are unknown, all of whom have fled from justice; and all efforts to arrest the said offenders have hitherto proved ineffectual: And Whereas the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrators of offences so atrocious should be discovered and punished, I have therefore thought it proper to issue this proclamation hereby offering a reward of three hundred dollars to any person or persons who shall apprehend and secure the said James Hadey and John Hadey and others, perpetrators of the said crime in the jail of the City and County of Philadelphia, which is to be paid on

the conviction of the said perpetrators, or either of them: And all Judges, Justices, Sheriffs, Coroners, Constables and other officers of this Commonwealth are hereby strictly required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the persons guilty of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg this nineteenth day of May, in the year of our Lord one thousand eight hundred and thirty-five, and of the Commonwealth the fifty-ninth.

By the Governor,

James Trimble,

Deputy Sec'y.

James Hadey is described to be about thirty-five years of age, five feet eight inches high, lightly made, and with brown hair. John Hadey is described to be about twenty-four years of age, of a dark complexion, stoutly built, and with brown hair—they are brothers.

Annual Message to the Assembly—1835.

Fellow Citizens:

IN TRANSMITTING THE ANNUAL MESSAGE TO the General Assembly, according to usage and the directions of the Constitution, I should do injustice to my own feelings, if, in addressing you on the state of the Commonwealth, I should omit to offer my congratulations upon its prosperous and truly flourishing condition.

Pennsylvania has reached an eminence, moral and physical, which leaves her second to no state in the union. Her wealth, her enterprise, and her recent system for the attainment of knowledge, have elevated her character abroad, and given her strength and dignity at home. Her extensive lines of railroads

and canals, her ample and steadily increasing revenues, in connexion with her agricultural, manufacturing and mineral productions, will, in a short period of time, have thrown around her a power and an energy commensurate with all her future schemes of physical and intellectual improvement, with the consummation of every project which her commercial interests in honorable rivalry with neighboring states may demand, or the requisitions of an enlightened public policy may render it expedient for her to accomplish. Much has been done by her within a few years; much still remains for her to do; and that she may be enabled to reach the acme of wealth and power, which will leave her without a rival, and to which she must eventually attain, her march must still be onward. Nothing can stop her in her career to preeminence, short of a mercenary spirit, which, if indulged, now that a solid foundation for such a superstructure has been successfully laid, would be to her future prospects, what blasting and mildew to the expectations of the farmer, whose crop, upon which he has bestowed much labor, has been visited by their withering influence. There can be no reasonable cause for further procrastination—the means are at hand; the whole scheme of improvement as originally contemplated, may be accomplished in less time, and at less cost now, than it could be executed for at a more remote period.

The measures adopted for establishing the credit of the Commonwealth have been attended with the happiest effects. When her loans are now offered in the market, they never fail to command active competition and high premiums. Her public stocks inspire confidence, both at home and abroad; and from the passing of the act of March, 1830, authorizing a loan of four millions of dollars, down to that of the 13th of April last, directing the borrowing of nine hun-

dred and fifty-nine thousand six hundred dollars, there has been but one solitary check to her prosperous career in her extensive monied transactions, and that was but of momentary duration.

The loan last mentioned, was negotiated in the usual manner, under the usual notice, and was awarded to the Bank of Pennsylvania, at a premium of twelve dollars and two cents upon every one hundred dollars of stock, bearing an interest of five per cent. per annum; in other words, the bank pays to the state one hundred and fifteen thousand three hundred and forty-three dollars and ninety-two cents for the privilege of loaning her nine hundred and fifty-nine thousand six hundred dollars, for thirty years, at the rate of interest just mentioned. The correspondence in relation to this loan will be laid before you.

Since the commencement of the internal improvement policy, adopted by the state in 1826, to the present period, we have expended in the construction of canals and rail roads, twenty-two millions four hundred and twenty thousand and three dollars and thirty-two cents. The whole of this sum has been borrowed at an interest of five per cent. per annum, and has yielded to the Treasury in premiums upon the respective loans, an aggregate of one million three hundred and fifty-six thousand six hundred and fifty-three dollars and thirty-six cents. Of this sum, one million two hundred and ninety-eight thousand two hundred and seventy-eight dollars and thirty-six cents were received upon loans negotiated since the eighteenth day of December, eighteen hundred and twenty-nine, and regularly applied in aid of other funds appropriated to the same object, to the payment of interest accruing upon the public debt.

We are indebted for these auxiliary supplies to the well established credit of the State and the well-grounded confidence reposed in its characteristic punc-

tuality, as well as its unquestioned ability to meet all its engagements, and which enabled us to execute one of the boldest designs, and to consummate one of the most stupendous works of art known among the achievements of modern times.—Without the aid of these annual advances upon our loans, the state would have been driven to the necessity of borrowing sums equivalent to the premiums received, to meet the interest upon its debt, which would have been a policy at once destructive of its financial interests and fatal to its credit; or a resort must have been had to oppressive taxation, neither of which measures, it is believed, would have been sanctioned by the people, and consequently the prosecution of the great public work must have ceased, and the benefits already realized, as well as the solid advantages which they hold out, in prospect of which no just estimate can be formed, would have been lost to the public.

The effect, however, produced by establishing a permanent fund for the payment of interest, by imposing a light tax, and the prosperous condition of the Commonwealth during the prosecution of the public works, which was produced principally by the expenditure of the large sums of money in their construction, has enabled us to complete in about eight years of active exertion, six hundred and one and a quarter miles of canal and slack water navigation, and one hundred and eighteen miles and three quarters of rail-way, making an aggregate of seven hundred and twenty miles of improvements, to which may be added seven and a half miles of extension on the West Branch of the Susquehanna, authorized by the act of the last session, four of which are now in navigable order, and the residue, I am informed, will be finished during the current year.

A state of peace and unexampled prosperity, combined with judicious measures to inspire public con-

fidence, have enabled us to consummate a work so little burdensome to the people, which will place our future prosperity out of the reach of rival neighbors, will add greatly to the general and individual wealth, and will be the admiration and pride of this and succeeding generations.

It will be found, upon reference to the records of the auditing department, that the taxes paid into the State Treasury, under the several acts of the 25th of March, 1831, entitled, respectively, "An act for assessing a tax on personal property to be collected with the county rates and levies for the use of the Commonwealth," and "An act to increase the county rates and levies for the use of the commonwealth;" up to the first of November of the present year, a period of about four years and eight months, amounted to seven hundred and forty-one thousand five hundred and fifty-seven dollars and ninety-eight cents, making the average amount paid annually upon the personal and real estate within the commonwealth, about one hundred and fifty-eight thousand nine hundred and five dollars and twenty-eight cents. This sum divided among the whole tax-paying population of Pennsylvania, annually, for the period I have mentioned, has constituted the whole burden which the extensive line of public improvements has inflicted upon the people of this great and opulent State. There are, however, arrearages of those taxes still outstanding, which will doubtless be collected and paid into the Treasury in due time.

The amount of tolls for the fiscal year ending on the 31st day of October last, were estimated by the accounting officers, in their last annual report, at seven hundred thousand dollars; the actual receipts into the Treasury have fallen short of that estimate, however, about fifteen thousand six hundred and forty-two dollars and twenty-three cents, the amount ac-

tually received, being six hundred and eighty four thousand three hundred and fifty seven dollars and seventy-seven cents, exceeding the receipts of the preceding year, three hundred and seventy four thousand, five hundred and sixty eight dollars and sixty-two cents.

It is estimated that the revenues arising from the public improvements alone, for the current year, will not fall short of, but in all probability, will exceed a million of dollars, which, with the outstanding taxes supposed to amount to about three hundred and ten thousand dollars; the ordinary revenues arising from other sources applicable to the same object, and the premiums upon loans should it be deemed expedient to borrow money for further extensions of the public works, will be sufficient to liquidate all the claims for interest and ordinary expenses of the government, without the necessity of having recourse to other means to meet those objects.

Having found the Commonwealth involved in pecuniary embarrassments at the time the administration of its affairs was committed to my care, which left me no alternative other than an appeal to taxation, which is always odious to the people, or an immediate abandonment of a great and most important public enterprise in which the state had engaged, upon which she had already expended a large amount of money, and had contracted for the expenditure of many millions more, and having met the emergency and taken the course to which my duty to the state, its interests and its character pointed, but which placed me in the unenviable situation of being the first chief magistrate to recommend a state tax for any purpose, I rejoice that the affairs of the Commonwealth have been brought to an issue so prosperous, during the continuance of my administration, as to enable me to be the first also to announce to the Repre-

sentatives of the people, and to our common constituents, the cheering intelligence which will not be more grateful to them than it is to myself, that further taxation for state purposes will not be required; and that the several acts of the 25th March, 1831, for assessing a tax on personal property, and for increasing the county rates and levies for the use of the commonwealth, may, without injury to the public interests, be permitted to expire by their own respective limitations. And here permit me to remark, that so far from this administration being obnoxious to the ungenerous charge of having involved the state in inextricable ruin, by plunging it into an onerous and overwhelming debt, for the payment of which, the hard earnings of its citizens of every grade and condition, will, from time to time, be filched from them, it will soon be made manifest that a fund has been secured to the commonwealth, proceeding from the very improvements for which the debt was contracted, which will not only relieve its citizens from future taxation, as well for payment of interest as for other state purposes; but will enable the government, at no distant day, to establish a sinking fund for the liquidation of the debt itself, which, if steadily and faithfully applied to that object, will at no very remote period place the state in the enviable condition of possessing an annual revenue of several millions of dollars, at the same time that it will have been entirely exonerated and discharged from all its debts contracted for the purposes of internal improvements.

The condition of the commonwealth, in regard to the revenues, produced by her public works, presenting an aspect so prosperous; it would seem that the period has arrived when there ought to be no further impediment to their extension, to such points as give the greatest promise of usefulness in affording facilities to our internal commerce, and in rendering more

profitable the work already finished. Among these the extension from the western termination of the Pennsylvania canal, to the harbor of Lake Erie, by such route as will afford the greatest facilities in its construction, as well as ensure the most constant supply of the necessary element to make it answer the great and important ends for which it will have been designed, presents strong claims which ought, in my opinion, to be no longer postponed. Equally important to the interests of the state, and of the people of a large and interesting district of country, is the project of carrying the canal from its termination at the mouth of the Lackawanna creek, up to the north branch of the Susquehanna, to the line dividing the states of Pennsylvania and New York, to intersect the Elmira canal and Ithaca rail road now in operation in that state. The completion of both improvements at the earliest period possible is highly important—whilst the trade of the lakes, of the territory of Michigan, the states of Ohio, Illinois and others of the western and south western states would find vent on the one—the salt, plaister and flour of western New York, would be transported into the interior of Pennsylvania, and the iron and coal of the latter state, would be carried in return into the state of New York upon the other. The advantages arising to the commonwealth, from the construction of both the projected works, it is believed would be of immense importance. The increase of population which would immediately follow the commencement of those additional improvements, would, of itself, be a sufficient justification for the expenditure in their construction; but the increase of revenue which would be added upon their completion, to that already produced, and the facilities afforded to the people of those regions, in finding a market for their surplus produce places the propriety of the measure beyond all question. Whilst on this subject,

permit me also to suggest the propriety of authorizing a further reconnoisance to ascertain the practicability of a route for a canal, from some point on the West Branch of the Susquehanna, to connect with the French Creek division, and by that division ultimately with the harbor of Lake Erie.

It has been a subject of regret with many of our scientific and patriotic citizens, that legislative attention had not long since been directed to the expediency of authorizing a geological and mineralogical survey of this state. Abounding as it is known to do, in every variety of mineral wealth, such a survey would be of incalculable value in still further developing the hidden resources of our prolific and opulent commonwealth. The discoveries which have already been made, accidentally and without the aid of scientific examination, strongly indicate the immense advantages that might be expected from a thorough geological exploration. Our state is emphatically the centre or heart of the Union. She has made and is still making, either in her own right, or by delegating authority for that purpose to others, rapid advances in the construction of canals and rail roads, which are the great arteries through which, by means of other great channels of communication with which they either are or will be connected, incalculable millions of tons of our mineral and agricultural productions will ultimately be transported to every extremity of our extensive country. Here, then, I might stop, and rest the propriety of the measure upon the additional productiveness it would occasion to that source of public wealth and revenue. But there are other considerations of paramount importance which affect the interests of the farmer, the manufacturer, and the citizen, and which would render such a measure still more highly beneficial: to the former, it would unfold the localities in which are contained mineral substances

pregnant with those manuring and fertilizing qualities which would enable him to reclaim and enrich his soil; to the manufacturer there would be developed and applied to their proper uses, that endless variety of ores, sands, clays and other materials so essential to the profitable prosecution of his business; and to our citizens generally, there would be discovered many new sources of wealth in their mines and their quarries, which lie concealed from them now, but which the measure proposed would enable them to realize and convert to profitable and valuable uses. This subject might be enlarged upon; but it may be sufficient to add, that if such a survey was authorized and carried successfully into effect, it would have a tendency greatly to increase the value of our soil; it would add largely to its productiveness, and that of our canals and rail ways; it would elevate still more the character of our state; it would promote the cause of science, and for a comparatively trifling expenditure, we should secure a denser population and add incalculably to our individual and general prosperity. Permit me, then, to recommend this important measure to your early attention. The work might progress gradually; an annual sum, such as the treasury could spare without injury to other interests, might be appropriated for this object until it shall have been completed. Several of our sister states are engaged in thus exploring their hidden resources. One of them, Massachusetts, has finished her survey, and is now realizing the advantages resulting from it—a few years, and I trust Pennsylvania will be doing likewise.

In pursuance of the provisions of an act of the General Assembly, passed at their last session, the people of this state have recently decided a question, which has for a considerable time past agitated the public mind, by casting their votes for or against the call of a Convention to amend the constitution; the funda-

mental law upon which their government and all their civil, and, I may add, their religious institutions rest, and by which they have for the last forty-five years been protected. Their decision is understood to have resulted in favor of a Convention by a very decided majority of the votes given in reference to that measure; and whatever opinions may have been heretofore entertained by any of us upon that subject it becomes our duty now, to bow to the will of the people so unequivocally expressed, and to take the necessary steps to carry it into effect.

After ascertaining officially, therefore, the state of the vote in relation to the call of a Convention, if it should turn out as it is believed to be, in favor of that measure, you will doubtless perceive the necessity of making provision by law for complying with the expressed will of a majority at as early a period as possible, by fixing upon the time, place and manner of holding and conducting the elections for the choice of delegates throughout the state, as well as the time and place of their meeting for carrying into effect the objects for which they shall have been elected. That the people may be safely trusted with that which most immediately concerns themselves, and at their pleasure change or retain their form of government as to them may seem expedient and proper, is a position which may not now be controverted; and whatever objections may be started in relation to the mode adopted for ascertaining the public sentiment in reference to that measure (the constitution having made no provision for such an emergency), there can be no doubt in regard to their right to adopt such a course, to enable them to bring about a reform, as they themselves shall consider best adapted to the attainment of that object. By expressing their opinions at the ballot box in the form and manner prescribed by the act of Assembly, they have recognized its provisions

as directory to them at least, and admitted its authority as effectually as if the act had emanated immediately from themselves.

In my last annual message, I took occasion to express my views at large, in relation to the pernicious consequences resulting from the creation of monopolies by legislative enactment, and the indiscriminate conferring of banking and other corporate privileges, to the manifest danger of ultimately undermining the stability of our free institutions, and the obvious injustice resulting from them to individual enterprise. I have discovered no cause for changing the opinions expressed in that document, and would respectfully refer you to it for the reasons therein assigned, why the further progress in that course of legislation ought to cease, and a more equitable mode of distributing public favors be introduced. The banks chartered during the last session of the legislature, being two in number, having supplied the only localities in the state in which such institutions had not previously been established, with the facilities for the transaction of business which other portions of the community had long and profitably enjoyed, but which to them had theretofore been denied, it would seem that a further increase of such establishments in any part of the commonwealth would be superfluous, and should be zealously guarded against, and that every additional application for similar privileges should be regarded with jealousy and distrist.

An evil, in my apprehension, of no ordinary magnitude, has been introduced into our legislation, against the pernicious tendency of which, and its further progress, I would beg leave most earnestly to remonstrate—I mean the practice of guaranteeing by legislative enactment, the payment of the interest upon the capital employed by companies incorporated for accomplishing some alleged object of improvement, in

which the state has no direct or immediate interest; thus placing the commonwealth in the attitude of an underwriter insuring to the corporators an interest of five per cent. upon the capital invested in a project, which, when completed, may never yield three, or even one per cent.—in short, it is insuring that against all risk which was undertaken as a speculation at a risk; so far, at least, as the usual rate of interest now paid for loans is concerned—a perseverance in this course of legislation, will, before long, operate like a canker upon the public purse, and reduce your treasury to a state of financial embarrassment, from which it will require no ordinary skill as well as means to relieve it. It would be much better that the state should cause the work to be constructed in its own right, if it promises to be of public utility; or that a subscription of stock should be authorized in its behalf, which would at least give it the advantage of being represented in the direction and management of the construction of the work and the expenditure of the money. It is to the General Assembly as the protectors of the people's rights and the guardians of their interests, the public must look to apply the remedy to these growing evils. In the legislative body alone resides the power to restrict and control that insatiable thirst for monopolies and chartered privileges, that morbid spirit of speculation, which would make the state stand sponsor for every abortive scheme in which corporations may choose to embark—it is there the axe must be laid to the root of the mischief, and these excrescences upon the body politic lopped off and deprived of their further growth. The Executive, it is true, may interpose his negative, but that should be confined to extreme cases involving constitutional difficulties, or at most should be applied to bills providing for measures glaringly inexpedient, and too palpably improper to receive the force of laws. A more

general application of that power would necessarily bring the Executive and Legislative branches of the Government into collision with each other, and destroy that harmony which is essential to a judicious and prosperous administration of its affairs.

The proper accounting officers will lay before you their respective reports, shewing the state of the finances of the commonwealth for the fiscal year, ending on the 31st of October last; from which it will appear that the receipts into the treasury exclusive of loans and premiums upon loans, but arising from the ordinary sources of revenue only during that period, amounted to the sum of one million five hundred and twenty three thousand and six dollars and sixty one cents; which with the balance remaining in the treasury on the first of November, 1834, of fifty four thousand and ninety two dollars and twenty cents, gives an aggregate of one million five hundred and seventy-seven thousand and ninety eight dollars and eighty-one cents—and that the expenditures during the same period, including interest upon loans, but not embracing the sum borrowed by authority of the act of 17th January last, applicable to that object, amounted to one million three hundred and eighty-one thousand three hundred and three dollars and seventy-one cents, leaving a balance in the treasury on the first of November last, of one hundred and ninety-five thousand seven hundred and ninety five dollars and ten cents, which, together with so much of the moneys since received into the treasury as will be necessary for that purpose, may be applied to the re-payment of the sum of two hundred and fifty thousand dollars borrowed from the Bank of Pennsylvania, for the payment of interest on the first of February last, in pursuance of the act of the 17th of January above mentioned, and which is directed to be repaid within twelve months from the date of that act.

Should the repayment of the said loan be made as mentioned, it will become necessary to make provision by law for procuring, by loan or otherwise, a sum sufficient to meet any deficiency that may happen in the fund for the payment of interest on the first of February next, to be repaid out of any sum in the treasury at any time thereafter, not otherwise appropriated. It is estimated that the revenues for the fiscal year now current, will be amply sufficient to meet the interest and all other ordinary demands upon the government, and leave a balance in the treasury on the first of November next.

I have the satisfaction to state, for the information of the friends of education generally, that the provisions of the act to establish a general system of education by common schools, passed the first day of April, eighteen hundred and thirty-four, and its supplement of the fifteenth of April last, have been accepted by a large majority of the school districts within the commonwealth, as reported to the superintendent of public schools. The state, exclusive of the city and county of Philadelphia, which are not embraced within the provisions of the law, and the counties of Columbia, Montgomery, Greene and Clearfield, from which no reports have been received, has been divided into nine hundred and seven school districts; of this number, five hundred and thirty-six have accepted, and three hundred and seventy-one have rejected the provisions of the law.

The directors of the several districts adopting the system, have been somewhat remiss in transmitting their reports: they are, however, daily arriving at the secretary's office, who, as the superintendent of common schools, will be enabled, at an early day, to lay before you a detailed report of the progress of the system, the effects it produces where it has gone into operation, and the future prospects of its friends in relation to it.

From the reports received, it appears that in sixty-six districts in which the system is adopted, there are two hundred and thirty-eight schools in successful operation, in which are instructed nine thousand six hundred and eighty children; and in ten other districts active preparations are making to carry it into effect.

The directors of the several districts in which the schools are in operation, speak well in their reports of the characters and general conduct of the teachers; the scholars, they say, are improving in their studies; they express much satisfaction with the system itself, its advantages to such as will avail themselves of it, and its ultimate general utility.

There can be no doubt that as the system advances into more general use, and its advantages become more apparent, it will increase in favour with the people generally, but especially with the more liberal minded and intelligent; that the friends of a virtuous and moral education, to be extended to all the children within our extensive commonwealth, will eventually triumph; and, with the adoption of a few modifications, some of which I understand will be suggested in the report of the Superintendent of Common Schools, there is every reason for confident assurance that the system will work its way into public favor, and will eventually be universally accepted and approved.

At the last session a resolution was adopted by the General Assembly, "relating to the Chesapeake and Delaware Canal," which was referred to the Attorney General for his opinion in regard to the measures proper to be pursued for carrying the objects of the resolution into effect. That officer, with his characteristic industry and ability, has given the subject as thorough an examination as the circumstances within his reach would admit, and the result of his in-

vestigations has been transmitted in the shape of a legal opinion, which furnishes a history in detail of the origin and progress of the Chesapeake and Delaware Canal, with the causes of the obstructions and embarrassments complained of in the resolution, and points out the legal remedy for their removal; a copy of which will be laid before you for your consideration, and such further legislative action in relation to a subject so important to our citizens, as to the General Assembly shall seem expedient and proper.

The judiciary of Pennsylvania as at present organized, so far as my information extends, is generally esteemed to be efficient, safe, and entirely adequate to a prompt and vigorous administration of the laws. Complaints of the law's delay are no longer heard. The judges are generally able, industrious men and sound jurists, whose decisions command the confidence and respect of the public. I am not aware than any additional legislation is required in regard to that department of the Government at this time.

The militia system is deplorably defective, and requires prompt attention to its reorganization and thorough amendment. It ought, if possible, to be raised above the reproach and ridicule which its inefficiency and general defectiveness have brought upon it. It is true, that to make it what it should be, the action of Congress must be brought to bear upon it—but by encouraging voluntary associations, you may provoke a military ardor, which will add much to the efficiency of the system, and infuse a spirit of subordination and discipline into the whole body of the militia, which will inspire confidence, and make it in a measure what it ought to be, the bulwark of the nation.

The penitentiary system still continues to accomplish all the beneficial effects which its philanthropic projectors could reasonably have expected from it. One of its greatest excellences over all former plans

of prison discipline, consists in the prevention of all combination as well as contamination, and the favourable opportunity it affords the convict of reformation and amendment of life, which is eminently exemplified in the lives and characters of those who have been subjected to its inflictions. All the cells directed by law to be built in the Eastern Penitentiary, are said to be nearly completed, and all the blocks occupied except one, which, containing one hundred and thirty-six cells, is plastered, and some of the doors are hung, and will be finished in season for the reception of prisoners in the spring; the appropriation made at the last session, is deemed to be sufficient to complete all the cells now built. The prisoners sentenced under the different penal laws to the Eastern Penitentiary, are now all received into that prison. The state of the finances of this institution will appear in the report which will shortly be made to the Legislature. On the first of January last, there were two hundred and eighteen prisoners confined in the Eastern Penitentiary, and there have been received into it from various counties in the district, from that time until the twenty-first of November last, one hundred and twenty-eight, and from Walnut street prison sixty-nine who had been sentenced to the Eastern Penitentiary, but were detained in the former prison until a sufficient number of cells could be prepared for their reception, making the whole number received one hundred and ninety-seven. Seventy have been discharged during that period by expiration of sentence and pardon, and three died, leaving the penitentiary, on the 21st of November last, three hundred and twenty-four male, and eighteen female prisoners. The conduct and deportment of the prisoners is represented to have been generally satisfactory, and, as far as has been ascertained, most of the convicts who were discharged during either the present or

past years, have conducted themselves so as to satisfy those who had an opportunity of judging, that the legislature were not in error when they founded the penitentiary system. I have received no information in relation to the condition of the Western Institution, and must therefore refer you, generally, to the report of its inspectors which will shortly be laid before you.

The prosperity of our country throughout its whole extent is great beyond all former example, but it is to be lamented that whilst our hearts should be filled with gratitude and humble devotion for the bounties of Providence, to Him who bestows them, there should have been manifested in some portions of the Union a spirit of wantonness and insubordination, which have set aside the ordinary forms of law, and executed summary vengeance upon the devoted heads of whosoever might fall within its power, according to its own undefined, illicit code of criminal justice. Wherever this spirit was dominant, a self constituted tribunal, pre-determined that the victim should suffer the penalty whether guilty or innocent, was the arbiter of his fate. Property, life, liberty, reputation, every thing that is dear to man upon earth, was made to submit to this relentless ordeal. Men became the voluntary executioners of their fellow men. The most inhuman atrocities and wanton cold blooded murders were committed in the open face of day, and sanctioned by communities who would feel themselves greatly scandalized by having it supposed that they were not models of refinement, intelligence and respectability. Mobs were collected together under the pretence that some act of immorality or dishonesty had been committed, which it was their province to punish or to correct. The domestic sanctuary was entered by violence, the obnoxious individual sought for, and if found, fell a victim to an infuriated mob;

if not, his property became a sacrifice to a phrensied populace, and all this under the unjustifiable plea of necessity or the tardiness of the forms of trial in the courts of law. It would be gratifying to feel a consciousness that we had nothing of this spirit to reproach ourselves with in our own state; but the truth will not, I am constrained to say, bear us out in claiming entire exemption from its destructive influences. Such things must not be tolerated in a country professing to be governed by just and equal laws. If the laws are too weak to afford protection to the citizens in every emergency, it is time they should be made more efficient; the lives of our citizens must be secured against lawless violence, and it might not be unprofitable to enquire how far it would conduce to the suppression of riots, if by legal enactment the obligation to make restitution of property destroyed by mobs, was imposed upon the community within whose limits its destruction was perpetrated.

For some time past certain individuals under the cognomen of abolitionists, few in number but manifesting a zeal worthy of a better cause, have been laboring most assiduously to impress upon the public mind the necessity of immediate emancipation of that portion of our population now held in bondage by the people of the south. As might well be supposed, the promulgation of such doctrines produced an excitement of no ordinary character in that portion of the Union where slavery exists; and it has excited feelings of sympathy to a very great extent in other parts of the United States, which have called forth expressions of public sentiment on the subject of a most decided character. In Pennsylvania, public meetings have been held which have responded in emphatic language to the sentiments expressed elsewhere. There is, I believe, very little difference of feeling in regard to the question of slavery in the abstract,

among us; we all deplore its existence; we deprecate it as an evil, and it is presumed there are but few of us who would not rejoice if there was not a remnant of it left upon our soil. Inhabiting a state which was the first to abolish slavery, we cannot be affected by the existing excitement, otherwise than as members of the great American confederacy, and as forming a link in the great chain which binds it together; as such we are deeply interested in the peace, the unity and integrity of the whole. This most delicate, and I may be permitted to say, unfortunate subject, formed a part of the civil polity of the south before and at the time of our great political association.—The sages of the revolution to whom the arrangement and detail of the political compact were entrusted, were aware of its existence in its fullest extent; they were no strangers to the servile condition of the slave, nor to the burdens inflicted upon the master; they knew that the evil existed, but they saw the impossibility of providing an adequate remedy. They were well convinced that there existed rights and interests which could not be abrogated or abridged without preventing, forever, the establishment of that union which they were anxious to cement; or producing consequences to their country of a far more dangerous and disastrous character and tendency, than the existence of the rights and interests they were about to concede. The rights were admitted, however, and the interests conceded, among the many other concessions which it became necessary to grant before all the conflicting claims could be reconciled, or the parties to the great bond of Union which it was their purpose to form and to perpetuate, could be harmonized and conciliated. These rights remain as sacred now as they were then, and these interests are as sacredly vested in the people of the slave-holding communities now as they were considered and known to be then; and

we are solemnly bound by the obligations of justice, humanity and good faith, to abstain from interfering in any manner with them. The doctrines of universal emancipation, no doubt, had their origin in motives of the purest humanity and in the most benevolent designs, and would, if left to themselves, by their mild and benignant influences, have greatly ameliorated the condition of both master and slave: indeed, they had already contributed to that desirable end, and might, eventually, have produced the very object which is now professedly held out as the one desired to be accomplished. But the present crusade against slavery is the offspring of fanaticism of the most dangerous and alarming character; which if not speedily checked, may kindle a fire which it may require the best blood of the country to quench; and engender feelings which may prove fatal to the integrity of the Union itself. It must, however, be left to public opinion alone to check and to control the further progress of this misdirected enthusiasm.—Legislation cannot be brought to bear upon it without endangering other rights and privileges, in which every individual in this great confederacy is deeply and solemnly interested. The freedom of speech and of the press, which after all is the safeguard to free discussion, and the best expositor of public opinion, must not be infringed upon or controlled by enactments intended to remedy some temporary mischief only. I would take occasion, however, to suggest for the consideration of the General Assembly, whether a calm, temperate and dignified, but at the same time, firm and decided expression of the views and feelings of that body in reference to this highly dangerous and mischief-threatening spirit, would not be calculated to give tone and expression to public sentiment in relation to that subject, and have a direct tendency to impose an immediate check and restraint upon its further progress.

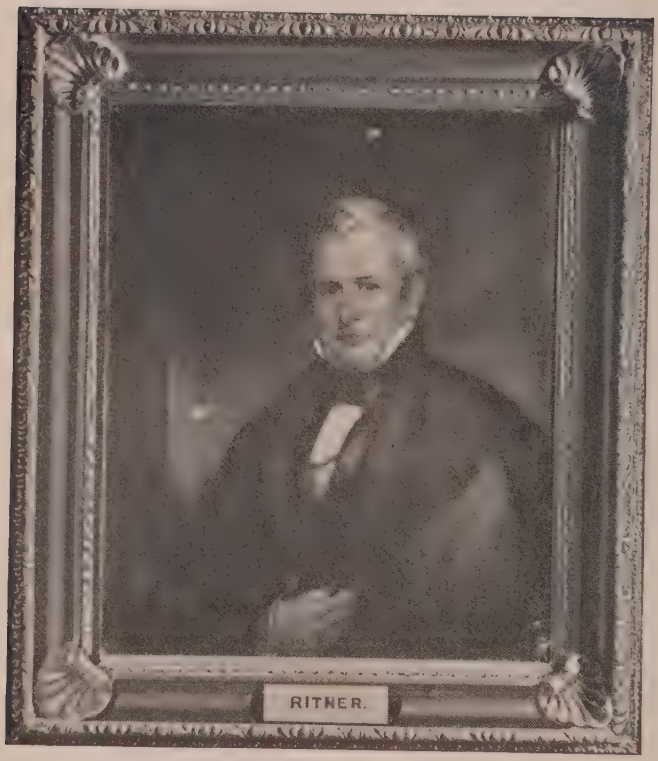
In retiring from the station I at present occupy, I shall have the pleasing satisfaction to cheer me on my way to private life, which always accompanies a well grounded consciousness of a faithful and honest discharge of the duties incident to a high and responsible public trust. Elevated by the citizens of my native state to the most dignified office in their gift, I could not be insensible to the extent of the confidence they had reposed, nor of the weight of obligation I owed them. I may be permitted to say, however, I trust without incurring the imputation of egotism, that as the only return I could make for the confidence reposed, I have labored most assiduously and unremittingly during my continuance in office, to advance the prosperity of that commonwealth over which I had been called to preside; to sustain its credit; to elevate its character and to promote its lasting welfare and happiness—and if, in the endeavor to secure these objects, I have in my intercourse with the legislative branch of the government, at any time happened to differ from them in regard to particular measures of policy, it will be ascribed on their part, I trust, as it assuredly shall be on mine, to an honest difference of opinion, arising from an anxious desire on either side to promote the public good. If, in the great leading measures of state policy, I have had the misfortune to differ from a portion of my fellow citizens, in regard to their propriety and general utility, I have had the gratification to know that I was sustained in these measures by a still larger portion of them, and especially by their Representatives in General Assembly, whose legislative sanction they received, and under its authority have been carried either partially or wholly into successful operation. The ultimate effect of those measures upon the general prosperity and happiness of the people of this great and growing commonwealth, in all future time,

I am content to submit to that unerring test,—and in whatever situation I may be placed hereafter, whether in the peaceful shades of domestic retirement, or in the more busy scenes of active life, the most fervent wishes of my heart shall be engaged and my most ardent aspirations shall ascend for the welfare and happiness of my native state.

I have only to add, in conclusion, the assurance of a hearty concurrence with the General Assembly during my continuance in office, in all such constitutional measures as shall be adopted by them: that I shall carry with me into retirement, and cherish through life, grateful recollections for the distinguished marks of confidence with which I have been honored, and the many public favors which have been so repeatedly and so kindly accorded to me, and to bid you a last and an affectionate farewell.

GEO: WOLF.

Harrisburg, Dec. 2, 1835.



Jos. Ritner

JOSEPH RITNER.

Governor of the Commonwealth.

1835-1839.

Chapter II.

JOSEPH RITNER.

Governor of the Commonwealth,

1835-1839.

SON OF AN ALSATIAN IMMIGRANT, WITH NO early schooling except a half a year at the age of six, Joseph Ritner, perhaps achieved greater proportional success than any other incumbent of the gubernatorial chair. Born in Berks county in 1780, he passed his boyhood assisting in the work of his father's farm; a farm laborer in Cumberland county at sixteen, at twenty he married and found upon the farm of his wife's uncle, in Washington county, a library composed principally of standard German works. By the utilization of these works he laid the foundation of practical knowledge which enabled him to hold with honor so many important public positions.

From 1820 to 1826 he represented Washington county in the Legislature, the last two years serving as Speaker. When the Anti-Masonic party arose he identified himself with it, and in 1829 and 1832 he was the candidate of that organization for Governor, in the first campaign coming within seventeen thousand and in the second within three thousand votes of success, while in 1835 he was finally elected and served one term as executive of the state.

To him is due the credit of putting into practical operation the common school law, inaugurated by Governor Wolf. The bill as originally enacted by the Legislature possessed vital defects which practically nullified its effects, and a new bill was enacted, from which the objectionable features were eliminated. This act forms the foundation of the present school legislation, and immediately demonstrated its value. Within three years, the annual appropriation was increased from $75,000 to $400,000, and from 762 common schools, about 17 academies and no female seminaries, the educational system of the state increased to 5,000 common schools, 38 academies and 7 female seminaries, in addition to many private institutions.

Governor Ritner was one of the most outspoken and sincere abolitionists of his day. His ringing remarks upon the slavery question in his message of 1836 were an inspiration to the poet Whittier, whose poem, "Lines Written on Reading Governor Ritner's Message of 1836," was inspired by it.

Thank God for the token!—one lip is still free,—
One spirit untrammelled,—unbending one knee!

* * * * *

O'er thy crags, Allegheny, a blast has been blown
Down thy tide, Susquehanna, the murmer has gone.

* * * * *

Will treat land of the free and the good wear a chain?
Will the call to rescue of Freedom be vain?
No, Ritner!—her "Friends" at thy warning shall stand
Erect for the truth, like their ancestral band.

* * * * *

The voice of a People,—uprisen,—awake,—
Pennsylvania's watchword, with Freedom at stake,
Thrilling up from each valley, flung down from each height,
"Our country and liberty!—God for the Right!"

Governor Ritner was the Anti-Masonic candidate for re-election in 1838, but was defeated by about five thousand votes. Charges of fraud were made by his

supporters and a legislative investigation demanded. Realizing that the outcome depended upon the complexion of the Legislature strenuous efforts were made by both sides to control the House, the excitement becoming so great that the militia was called out to maintain peace, and United States troops called for. The Democratic House was finally recognized, which practically ended the discussion.

Retiring to private life, Mr. Ritner was attacked with double cataract, and although one eye was relieved by operation, he declined further treatment. In 1848 he was appointed as Director of the Mint at Philadelphia, but President Taylor died before the appointment was confirmed, and the appointment was withdrawn to make room for a candidate of President Fillmore. He was a delegate to the convention which nominated John C. Fremont for the Presidency and always remained a staunch Republican in politics. He was abstemious, correct and careful in life, and his years were prolonged to the age of ninety, the most advanced age to which Pensylvania's Governors have attained, expiring in 1869. He was Governor from December 15, 1835, to January 13, 1839.

Proclamation Announcing the Election of Joseph Ritner as Governor and Continuing all Appointments under the Executive for the Term of Four Months.

Pennsylvania ss.
[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas the Speaker of the Senate, and Speaker of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania have duly *certified, that the said Speaker of the Senate, did on the seventh day of December instant, in the Chamber of the House of Representatives, in the State Capitol at Harrisburg, open and publish the returns of the late election of a Governor of the said Commonwealth, in the presence of the Members of both Houses

*CERTIFICATE OF THE SPEAKERS OF THE HOUSE AND SENATE.

We, the Speaker of the Senate and the Speaker of the House of Representatives of the Commonwealth of Pennsylvania do certify that the Speaker of the Senate did on the seventh day of December in the year of our Lord one thousand eight hundred and thirty-five, in the Chamber of the House of Representatives in the State Capitol open the returns of the election for Governor of this Commonwealth and publish the same in the presence of the Members of both Houses of the Legislature, conformably to the Constitution of the said Commonwealth, and that upon counting the votes by a Teller appointed on the part of each House, it appeared that Joseph Ritner had the highest number of votes. Whereupon the said Joseph Ritner was declared to have been duly elected Governor of the said Commonwealth.

In Testimony whereof. We have hereunto set our hands and Seals the day and year first above written.

THOMAS S. CUNNINGHAM, [L. S.]
Speaker of the Senate.
NER. MIDDLESWARTH, [L. S.]
Speaker of the House of Representatives.

Deposited in the office of the Secretary of the Commonwealth, December 17, 1835.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

of the Legislature, conformably to the Constitution of the said Commonwealth, and that upon counting the votes by a Teller appointed on the part of each House it appeared that Joseph Ritner had a majority of votes; Whereupon the said Joseph Ritner was declared to have been duly elected Governor of the said Commonwealth and having first taken the oaths of Office was accordingly on this fifteenth day of December proclaimed Governor thereof. Now, in pursuance of the power and trust to the Governor of this Commonwealth by the Constitution and Laws granted, and confided, and for preventing all failures in the administration of justice, I the said Joseph Ritner, have deemed it expedient to issue this proclamation, hereby confirming and continuing all appointments made and all commissions heretofore lawfully issued for the term of four months from the date of these presents, unless the said appointments and commissions shall be sooner superseded and annulled. And I do further direct and enjoin all public Officers engaged in the several departments of the Government, to proceed with diligence and fidelity in the performance and execution of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State at Harrisburgh this fifteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and of the Commonwealth the sixtieth.

By the Governor,

Tho. H. Burrowes,

Secretary of the Commonwealth.

Inaugural Address to the Assembly.

Fellow Citizens:

THE PEOPLE OF THE STATE HAVE ENTRUSTed to me, for the ensuing three years, the performance of the duties of the executive department of the government.

I accept the trust with the profoundest gratitude for the honor conferred, and the most unfeigned diffidence of my ability to fulfil its various and important duties, in such manner as to meet their just and reasonable expectations.

The office of chief magistrate of a large and growing community, is at all times one of much responsibility—most especially is it so at the present juncture in Pennsylvania. Questions of great moment, many of them novel and all intimately connected with the feelings and interests of the people, demand his care and attention.

Perhaps a selfish caution would, on those subjects, indicate silence as the safest course for one just entering on the office of chief magistrate. But he who assumes that station, is called to it, not for the purpose of consulting his own convenience or his own feelings, but the wishes and prosperity of the whole community. It cannot be supposed that I have entered upon it, without having previously adopted certain leading principles for the regulation of my executive conduct. To an early knowledge of them my fellow citizens have an undoubted right.

And here, before entering upon the questions of more immediate interest to us, as citizens of this state, I would desire it distinctly to be understood that I possess a proper estimate of the importance of Pennsylvania, both as a state and as a member of the great national family. While the rights and feelings of every part of the Union will be scrupulously respected, and its perpetuation and honor cordially promoted,

I shall not consent to sacrifice the interests of Pennsylvania to propitiate power, or conciliate favor in any quarter, however high and influential.

Among the subjects of state policy, there is one of most prominent interest. The great system of internal improvement in which we have been for years engaged, has encumbered the resources and deranged the finances of the commonwealth, produced new but as yet nearly untried channels for business and springs to private enterprise, and materially affected the occupations and interests of the people. The cares and duties of those who administer the legislative and executive departments of the government, are in the same proportion increased. Sound policy demands, that operations which have thus shaken the old order of things, and that public works which have cost so much should as speedily as possible be made to answer the great object for which they were originally designed—the public good. To accomplish it, the most vigorous measures, and the most rigid economy are absolutely necessary, and will be enforced. Every exertion will be made to give energy and certainty to a system which, as yet, has exhibited little more than a doubtful promise of utility commensurate with the sacrifices made for its accomplishment.

With the vast debt already contracted before us, prudence would forbid the undertaking of any new, separate, and independent work, until those now in operation, and in progress, prove by actual experience to be capable of sustaining themselves, and furnish evidence that they will, in a reasonable time, extinguish their original cost, without resort to taxation. But where further extension of the public works is necessary, to render those already made, or in progress, profitable and beneficial, economy and sound policy, and a just regard for the interests of the people would require such extension to be authorized and completed.

Next in order to the development and care of the physical resources of the commonwealth, though of vastly higher moment in itself, is the cultivation of its mental energies. A system of common school education has been recently commenced—it will afford me sincere pleasure to co-operate with the legislature, in the attempt to give it real usefulness, by adapting it to the wants and feelings of the people.

The permanency of a republic depends on the virtue of its citizens. Whilst they are virtuous and intelligent the acts of their agents will be restrained and directed to the public good, which is the only legitimate object of all governments.—Industry and economy in all the transactions and conduct of individuals, are the principal promoters of that independence of character and of that virtue, on which, so far as mere human agency prevails, depends the existence of a government, republican not only in name, but in reality. It is therefore the imperative duty of those in authority, to protect the weak against the powerful, and to foster and encourage the laborious, the industrious, and the economical, in every class of society. To the performance of this duty, I pledge the co-operation of the executive branch of the government.

The maintenance of a sound currency, is one of the most difficult but indispensable duties of those who administer to the government, in a community possessing such various interests as that to which we belong--convenience, and that consideration alone has caused the substitution of paper money for specie.

The idea that money was to be made by speculating on the inconvenience of a metallic currency, or that paper money was to be created, merely to enable a few to realize large sums by turning the act of its creation to their own account, never, for a moment, entered the minds of those who first adopted this use-

ful and valuable expedient.—Their object was the obtainment of a representative, possessing all the utility and value, without any of the inconvenience of the thing represented. In this point of view, the increase of the substitute is a fraud upon the public. The man who takes it, in payment for his labour, his goods, or his land, is cheated. My object will, therefore, be, on the one hand, to confine as far as in me lies, the amount of paper money within the bounds just stated, while on the other, public accommodation, and the demands of business will be consulted.

The exercise of the appointing power is a task of much delicacy. The present constitution has entrusted it to the judgment and discretion of the chief magistrate. His object should be the selection of officers who will advance the comfort and prosperity of all, by a faithful, honest, and efficient discharge of their duty. While the power remains in my hands that object will be kept in view.

The supremacy of the laws, and the equal rights of the people, whether threatened or assailed by individuals, or by secret sworn associations, I shall, so far as may be compatible with the constitutional power of the executive, endeavor to maintain, as well in compliance with the known will of the people as from obligations of duty to the commonwealth. In these endeavors I shall entertain no doubt of zealous co operation by the enlightened and patriotic legislature of the state. The people have willed the destruction of all secret societies, and that will cannot be disregarded.

In the attempt to render the power of the laws equal and supreme over all, that certainty in their operation, which is so essentially conducive to the prevention of crime, should be also kept in view.

In a community possessing a criminal code so proverbially mild, and a mode of trial so fair and open as

that to which we belong, the pardoning power should be rarely and with extreme caution interposed. I trust I shall be enabled, in the use of it, to listen only to the demands of public justice, and the general good. No considerations arising from feelings of mere pity, or from respect of person, or station, shall influence my conduct. When punishment is certain crime decreases—then only may the severity of the laws with safety be still further mitigated.

I enter upon the discharge of the arduous duties of the office of Governor, with the constitutions which I have just sworn to support as the guide, and the prosperity of the people of Pennsylvania, as the object of my labors, relying upon the legislature for aid in my endeavors to serve our common constituents, and upon the candour and liberality of my fellow citizens, to excuse the unintentional and unavoidable errors that may occur, in my administration of the government. That those errors may not be permanently injurious to my native state, is my sincere prayer to that Being, on whom alone sure reliance can be placed, and from whom cometh that wisdom which cannot err.

JOSEPH RITNER.

December 15th, 1835.

To the Assembly Giving Notice of the Appointment of Thomas H. Burrowes to be Secretary of the Commonwealth.

Gentlemen:

I HEREBY INFORM YOU, THAT I HAVE THIS day appointed and commissioned Thomas H. Burrowes, Esq., to be secretary of the commonwealth during my continuance in office, agreeably to the fif-

tenth section of the second article of the constituion of Pennsylvania.

JOS. RITNER.

December 15th, 1835.

To the Assembly Concerning the Financial State of the Commonwealth.

Gentlemen:

IT BECOMES MY DUTY TO LAY BEFORE YOU information relative to the financial condition of the commonwealth, and to recommend the necessity of prompt measures for the support of the public credit.

It ought not to be necessary for the Executive to present information to the legislature at such an early stage of its session upon this subject. You have but recently received the annual message of my predecessor—the accounts of the public fiscal agents are yet in your hands—the report of the managers of the public works are still under scrutiny, and yet, notwithstanding all the light that should be afforded by these various documents, it still remains necessary that I should call your attention to this subject, and that you should promptly act upon it.

The following statement has recently been laid before me by the auditor general:

Estimate of the probable condition of the State Treasury, on the first of February, 1836.

Balance in the treasury on 1st November, 1835, ...	$195,795 10
Receipts from 1st Nov., 1835, till 11th Jan., 1836, inclusive, ...	493,205 22
	$689,000 32

Payments from 1st Nov., 1835, till 11th Jan., 1836, in which is included $260,347.23, the principal and interest of the loan per act of 17th Jan., 1835, ...	466,097	52
Leaving a balance in the treasury, 11th Jan., 1836, of	$222,902	80
To which add the probable receipts from the 11th Jan., till 1st Feb., 1836, ...	97,256	40
	$320,159	20
And deduct the probable payments for the same time, ...	19,000	00
Leaving a probable balance on the 1st Feb., ...	$301,159	20

Amount of interest payable on the 1st Feb., 1836, viz:

By the commissioners of the internal improvement fund on canal and rail road loans, ...	$553,156	00
By the state treasurer on other loans, ...	46,500	00
	$599,656	00
Probable amount necessary to remain in the treasury to meet ordinary demands,	50,000	00
	649,656	00
Probable amount in the treasury on the 1st Feb., 1836, as above stated, ...	301,159	20
Leaving to be provided for on 1st Feb., ..	$348,496	80

From this statement it appears that the gross sum of three hundred and fifty thousand dollars must be provided by you, to meet just and unavoidable de-

mands against the treasury, on the first day of the next month.

It is for the legislature to devise the means of supplying this deficiency; and while I call your attention to it, I would also suggest the propriety of adopting some more simple and efficient manner of auditing, disbursing and accounting for the commonwealth's funds. Divided, and yet mixed up together as the different departments at present are, their reports present little or no satisfactory information. The auditor general is both the ordinary auditing officer of the commonwealth, and commissioner of the internal improvement fund—the state treasurer is ordinary treasurer of the commonwealth, treasurer of the board of canal commissioners, and member of the board of commissioners of the internal improvement fund. In all these capacities each of these officers has different duties to perform—separate accounts to keep, and distinct report of his proceedings to make. The effect of this is really embarrassing to one recently called to perform the executive duties of the government, and it appears to me should be obviated.

The state should know no difference amongst her creditors or debtors; all her resources are intended for the same use, viz: the payment of debts incurred in the prosecution of undertakings for the general good. All her debts should stand on equal footing—none is more due than the rest—all should be paid. If not paid promptly, our credit is bankrupt. In that case, (of which with proper care there is at present no danger), it matters not, whether the debt which turns the scale against us, is due for the services of an old soldier, or a canal commissioner. If this be correct, it does seem to me that there is no necessity for more than one auditing and disbursing department—more than this only produces confusion without increasing security. The official bonds of the various

officers—the amount of reputation at stake, and the checks held by the auditing and disbursing agents upon each other, should at all times be sufficient to ensure a faithful discharge of their respective duties. Each department should therefore be so organized as at a glance to present the general balance for or against the state; and should embrace all the pecuniary operations of the commonwealth in that department, whether it be of audit or disbursement. With this view I suggest the propriety of inquiring whether the board of commissioners of the internal improvement fund, and the office of treasurer to the canal commissioners, are conducive to the public benefit.

Another subject connected with the occasion of this communication, is the inviolability of all funds in the treasury set apart for specific purposes. It is known that certain portions of the public revenue are by law pledged for the payment of interest on canal and rail road loans; while such is the law, its enactments should be obeyed. The proceeds of those sources of revenue, should, as soon as they reach the treasury, be carried to the account of the internal improvement fund, and used for no other purpose. It will be perceived that the demand on the treasury which will cause the deficiency to which your attention is now called, is mainly composed of this very interest on canal and rail road loans.

I would, therefore, also suggest the propriety of instituting an inquiry, whether the acts of assembly on this head have been complied with; and if not, whether, in case they should be continued in force, any further legislation is necessary to insure their future observance.

Investigation and reform in every department of our financial operations, have become imperiously necessary. No other course can preserve the public cred-

it, and at the same time justify further expenditure. If that course be adopted, our system of public works, the great cause of our present embarrassment, will soon grow into favor with the whole people. Then alone will their agents be sustained in giving its benefits a wider extension.

JOS. RITNER.

Harrisburg, 13th January, 1836.

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*Proclamation of Reward for the Apprehension of the Murderer or Murderers of Henry Trumbower, late of Montgomery County.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas I have received authentic information that Henry Trumbower, a citizen of the County of Montgomery, in this Commonwealth, was about the middle of last November at the house of Jacob Geiger, in the township of Limerick, in said county, killed in an affray with

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*PETITIONS FOR THE ISSUE OF THE PROCLAMATION.

Thomas H. Burrowes, Esquire,
Secretary of the Com'th:

Sir:

The Sheriff of this County has placed in my hands your letter addressed to him on the 30th ultimo, together with all the information which he has

a number of persons by whom the said Trumbower with others was assailed, and that the perpetrators of the said offence immediately absconded and are still

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been able to procure in relation to the murder of Henry Trumbower; accompanied with a request that the same might be communicated to you.

On the evening of Saturday the 14th of Nov. last; the deceased went to a store in Limerick Township in this County, kept by a man named Jacob Geiger. He there found several of his acquaintances and among them two individuals named James Rees and Enoch Raysor. He was engaged in familiar conversation with these persons, when two Irish labourers on the Philadelphia and Reading Rail Road entered the store. An altercation soon arose between Rees and the Irishmen and a scuffle ensued, in which all present participated. The Irishmen were either expelled or voluntarily left the store and no apprehension was entertained that they would return or that they harboured the design of committing further depredations. But it appears that they repaired without delay to the nearest shanties and after augmenting their force to the number of 25 or 30, who all provided themselves with stones, bludgeons and other weapons, they returned and commenced a furious attack on the store. The deceased with the other persons before alluded to, were still there, and the assailants forthwith proceeded to wreak their resentment upon those individuals in the most violent and barbarous manner. The survivors of the outrage declare their inability to furnish anything like an accurate account of the scene. After beating the inmates of the store until their revenge was gratified, the miscreants fled and have not since been heard of in the neighborhood. James Rees was seriously injured and the blows inflicted upon Henry Trumbower produced his death. After the affray the latter with two of his friends returned home by a circuitous route in order to avoid another rencontre with the "Irish party." He spoke of his wounds in a slighting manner but on the morning of the succeeding day their mortal character was manifest. He died on the evening of the 15th, in consequence as the inquest returned, of wounds received in the affray above described. His skull was fractured in a shocking manner. The perpetrators of the outrage have not been long in this country and were little known in the above neighborhood as distinguished from the herd around them. The agitation of the persons in the store was so great that they are not able to give a minute description of any of the assailants. But it is said that they can be identified without difficulty, and that there are many individuals now in the neighborhood acquainted with the offenders and with the place of their concealment, who only require the inducements of a reward to disclose the facts necessary to accomplish their arrest. The magistrates, and other officers, with several citizens exerted themselves incessantly to discover the perpetrators but none of them have yet been apprehended. The deceased was a young man of the most respectable connections and worthy character.

Owing to the continued absence of Sheriff Todd from this Borough, your letter was not received by him until a few days ago.

Very respectfully,

Your ob. serv't,

CH. W. BROOKE.

Norristown, Jan. 12, 1836.

Tho. H. Burrowes, Esquire,
Secretary of the Commonwealth:

Sir:

The reply addressed to you on the 12th instant embraced all the information required by your letter of the 30th ulto. relative to the death of Henry Trumbower. As nothing was remarked respecting the requisite affidavit "that the crime was committed and that the perpetrators are still at large," it was presumed that the same had been previously transmitted by the persons who made the first "representations to the Governor," with whose

at large. And Whereas the reputation of the government, the peace and security of its citizens and the obligations of Justice and humanity require that the perpetrators of an offence so atrocious should be apprehended, secured and punished. I have therefore thought it proper to issue this Proclamation hereby offering a reward of Three hundred dollars to any person or persons who shall apprehend and secure the said perpetrators or either of them in the Jail of the County of Montgomery to be paid on the conviction of the said perpetrators or either of them, and all Judges, Justices, Sheriffs, Coroners, Constables and other officers of this Commonwealth are hereby strictly required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the persons guilty of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg this second day of February in the year of our Lord one thousand eight hundred and thirty-six, and of the Commonwealth the sixtieth.

By the Governor,

Tho. H. Burrowes,

Sec. of the Comm'th.

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proceedings in the matter the Sheriff was not fully acquainted; and that nothing was wanting to ensure the Proclamation of reward, except what was specified in your communication. In compliance with your requisition of the 25th, the accompanying affidavit has been prepared.

Three hundred dollars as a reward will probably be sufficient.

Your ob't Serv't,

CH. W. BROOKE.

Norristown, Jan. 29, 1836.

Montgomery County, ss:

Before me the subscriber one of the Justices of the Peace in and for the said County personally appeared Josiah B. Missimer, of Limerick Township, in said County and being sworn says, that about the middle of last November, at the house of Jacob Geiger in said Township a citizen named Henry Trumbower was killed in an affray with about 15 or 20 Irishmen by whom the said Trumbower with others was assailed. That the perpetrators of the said offence immediately absconded, and are still at large, having completely eluded the vigilance of the officers of the police. That there are reasons for believing that the said offenders are now lurking within this County and if a suitable reward was offered for their apprehension they would be speedily arrested.

JOSIAH B. MISSIMER.

Sworn and subscribed this 28th of Jan., 1836, before me.

I. W. EVANS, J. P.

To the Assembly Concerning the Proceedings of the Stockholders of the Bank of the United States.

Executive Department,
Harrisburg, February 22, 1836.

To the Senate and House of Representatives of the **Commonwealth of Pennsylvania:**

Gentlemen:

I HAVE THIS DAY RECEIVED AND HAVE caused to be filed in the proper office, the proceedings of a general meeting of the stockholders of the Bank of the United States, held at their banking house in the city of Philadelphia, on the 19th instant, by which proceedings said stockholders have unanimously accepted the several sections and provisions relating to the Bank of the United States, contained and set forth in the act of the Legislature of Pennsylvania, entitled "An act to repeal the state tax on real and personal property, and to continue and extend the improvements of the state by rail roads and canals, and to charter a state bank to be called the United States Bank." **JOS. RITNER.**

To the Assembly Transmitting a Letter from the Governor of North Carolina proposing an Exchange Court Reports and Public Laws and Recommending Legal Provision for Such Exchanges.

Executive Department,
Harrisburg, May 16, 1836.

To the Senate and House of Representatives of the **Commonwealth of Pennsylvania:**

Gentlemen:

I HEREWITH TRANSMIT FOR YOUR CONSIDeration, copies of a letter from the Governor of North Carolina, which accompanied the books therein mentioned. I have also received for the use

of this government, from the Executives of several other states, copies of reports of their superior courts and of the acts of their legislatures.

It would have afforded me great pleasure to have reciprocated these acts of courtesy, but upon inquiry it appears that there is no act or resolution of the legislature authorizing the Executive so to do. Allow me to call your attention to this matter, and to suggest the propriety of taking measures to procure, for the use of the different departments of the government, complete sets of the reported decisions of the superior courts of all the states of the Union, and of the acts of their legislatures. No manner of accomplishing this desirable object appears to be more proper than that adopted by the General Assembly of North Carolina, and indicated in the accompanying letter. A mutual interchange of the statutes and judicial reports of their superior courts among the different members of the national family, would in a measure promote those kindly feelings and draw yet closer those bonds of connection which are so pleasant and desirable.

JOS. RITNER.

Executive Department, North Carolina,
Raleigh, April 26, 1836.

Sir—In obedience to a resolution of the General Assembly of this state, passed at its last session, I transmit to the Executive department of your state the first number of Devereux & Battle's reports of the Supreme court of this state; the other numbers will be sent as they are received. I send also three copies of the laws passed at the last session of our legislature—one copy for each department of your government. I have to request, in compliance with the wish of the General Assembly of his state, that your state will reciprocate the favor by transmitting to the Executive of this state, a copy of the reports of your highest courts and copies of your public laws, one for each department of this government.

I have the honor to remain,
With sentiments of high consideration,
Your most obedient servant,
RICH. D. SPAIGHT.

His Excellency the Governor of Pennsylvania.

To the Assembly Concerning the Report of the Canal Commissioners.

Gentlemen:

IN THE ANNUAL REPORT OF THE LATE board of canal commissioners, made to the legislature at the commencement of the present session, is the following paragraph:

"The fund for repairs is exhausted, and by the time the navigation closes, the supervisors will generally be indebted for labor and materials. It is essential to the prosperity of the public works next season, that funds should be immediately provided for repairs and for other indispensable objects. About two hundred thousand dollars is required to pay debts that are or will soon be due, and to meet the demands of a pressing character already mentioned."

In a former communication it was my duty to animadvert upon the dangerous practice of thus increasing debt, in direct violation of law, beyond specific appropriations for designated purposes. While the existence heretofore of this unauthorised assumption of power cannot be denied, nor its continuance for the future too strictly guarded against, the obligation upon the commonwealth to satisfy all just demands against her should not for a moment be allowed to remain doubtful. Between the state and her agents good faith may have been forgotten—between the state and her creditors it must never be impaired. It therefore again becomes my duty to invite your attention to this subject, for the purpose of devising means to discharge these demands. Though their origin may have been unauthorised, they are in themselves equitable and binding.

The claims in question are for repairs and other expenses on the public improvements, which the repair fund of last year ($200,000), was insufficient to discharge. This deficiency, though set forth as above

in the body of the commissioners' report, was not embraced in their estimate or "Statement of the appropriations required for the current year;" nor was it, until recently, made known to the present board by actual demand for the money. It was probably owing to these causes that the legislature overlooked the subject altogether, when they made provision for the other wants of the system: it is nevertheless just and proper that the claims should be promptly satisfied. I am not at present enabled to state their exact sum; but demands of the description in question, to the amount of $108,000, have already been presented, and the whole when brought in will probably not fall short of $200,000, the sum named by the late board.

To meet this deficiency there are no funds at the disposal of the present board of commissioners, nor any which by legislative authority may be temporarily applied to it without defeating some other equally important object. I therefore would recommend the passage of an act of Assembly, authorizing a temporary loan of $200,000, or so much of that sum as may be necessary to accomplish the specific purpose.

At the same time that good faith and sound policy teach the propriety of thus fulfilling even the unauthorized contracts of the agents of the commonwealth, and of paying off old debts, the present condition of the public resources presents the agreeable prospect of being able for the future to avoid temporary expe-**dients for the support of the public credit.**

I have the high gratification of announcing to the legislature that the treasury will, at the end of the current half year, be in a condition not only to meet all ordinary demands, but also to pay the interest on canal and rail road debts, without resort to taxation or loan. The last loan for the payment of interest has **been negotiated in Pennsylvania.**

This prosperous state of things is owing to the wise

measures adopted early in the session of the legislature, for the support of the public credit and the promotion of the best interests of the people, and to the vigorous, judicious and economical management which now gives efficiency and productiveness to the public works. Notwithstanding the unusually unfavorable circumstances under which our improvements were opened for business at the commencement of the present year, the income from canals and rail roads for the month just closed, will amount to $125,000.

JOSEPH RITNER.

Executive Chamber, Harrisburg, June 7, 1836.

Proclamation of Reward for the Apprehension of the Murderers of John Clark, in the City of Philadelphia.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas I have received authentic information that a certain John Clark, late of Oxfordshire, in the kingdom of Great Britain, was murdered in the most atrocious manner on the 29th of June, in the city of Philadelphia, by two persons whose names are unknown and who having fled from justice, all efforts to arrest them by

the officers of justice have hitherto proved ineffectual: And Whereas, the reputation of the government and the security of its citizens, and the obligations of Justice and humanity require that perpetrators of an offence so heinous should be brought to speedy and condign punishment; I have therefore thought proper to issue this proclamation hereby offering a reward of one hundred dollars to any person or persons who shall apprehend the one or both of the said fugitives within the county of Philadelphia and secure him in the jail of the said county; and the sum of two hundred dollars if each or either of the said offenders shall be apprehended and secured in the jail of any other county of this commonwealth, or if he shall be apprehended and secured without the limits of this State. Which sum or sums are to be paid on the conviction of the perpetrator or perpetrators of the crime aforesaid. And all judges, justices, sheriffs, coroners, constables and other officers within this commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alleged perpetrators of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg this eleventh day of July, in the year of our Lord one thousand eight hundred and thirty-six, and of the commonwealth the sixty-first.

By the Governor,

Thos. H. Burrowes,

Secretary of the Commonwealth.

One of the perpetrators of the murder is said to be about 5 feet 11 in. or 6 ft. in height, with dark hair and whiskers, and was dressed in dark coloured clothes when the crime was committed.

The other is described to be about 5 ft., 5 or 6 in. high, broad-shouldered, stoutly made, somewhat marked with the smallpox, with sand hair and whiskers and dressed in light coloured clothes.

Proclamation of Reward for the Apprehension of Joseph Cramer charged with Murder.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas I have received authentic information that a certain Joseph Cramer, late of the County of Cambria, stands charged with having committed murder at the house of Gideon Marlett, in the same County, and having fled from justice and efforts to arrest him by the officers of justice have hitherto proved ineffectual. And Whereas the preservation of the government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrator of an offence so heinous should be brought to speedy and condign punishment. I have therefore thought proper to issue this proclamation, hereby offering a reward of one hundred dollars to any person or persons who shall apprehend the said fugitive within the county of Cambria, and secure him in the jail of the said county; and the sum of Two Hundred Dollars if the said offender shall be apprehended and secured in the jail of any other county of the commonwealth, or if he shall be apprehended and secured without the limits of this State, which sum or sums are to be paid on the conviction of the perpetrator of the crime afore-

said. And all judges, justices, sheriffs, coroners, constables and other officers within this commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alleged perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this Eleventh day of July, in the year of our Lord one thousand eight hundred and thirty six, and of the commonwealth the sixty-first.

By the Governor,

Tho. H. Burrowes,

Secretary of the Commonwealth.

Joseph Cramer is about twenty-eight years of age, five feet seven and a half inches in height, slender form, fair complexion and light hair. There is a scar on his face, also a fresh cut on his cheek; his ears are bored and he speaks broken English. He had on a black pair of pantaloons and a light roundabout.

Proclamation of Increased Reward for the Apprehension of the Murderers of John Clark in Philadelphia.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the Commonwealth aforesaid.

A PROCLAMATION.

Whereas I have reason to believe that the reward heretofore offered by me for the apprehension of the murderers of John Clark, late of Oxfordshire in the Kingdom of Great Britain, is not sufficiently large to induce proper vigilance and exertion, for the accomplishment of an object so desirable. And whereas the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrators of an offence so heinous, should be brought to speedy and condign punishment; I have therefore thought proper to issue this proclamation, hereby offering a reward of three hundred dollars to any person or persons who shall apprehend the said murderers or each or either of them within this commonwealth and secure them or each or either of them in the jail of any county thereof, and the additional sum of two hundred dollars if the said offenders, or each or either of them, shall be apprehended and secured without the limits of this state; which sum will be paid on the conviction of the perpetrators of

the crime aforesaid, or either of them. And all the judges, justices, sheriffs, coroners, constables and other officers of this commonwealth are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alleged perpetrators of the crime aforesaid.

Given under my hand and seal (Great) of the State at Harrisburg this fifth day of August in the year of our Lord one thousand eight hundred and thirty-six, and of the commonwealth the sixty-first.

By the Governor,

Tho. H. Burrowes,

Secretary of the Commonwealth.

Proclamation of Reward for the Apprehension of Patrick Muncy, John Reef, and Others Concerned in the Murder of James McLaughlin or Loughran in Montgomery County.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the Commonwealth aforesaid.

A PROCLAMATION.

Whereas, I have receive authentic information that a certain Patrick Muncy and a certain John Reef and others unknown, on the 15th day of Oct., inst., at Norristown, in the county of Montgomery, riotously attacked and murdered an Irishman named James McLaughlin

or Loughran, and the said murderers having fled from justice, all efforts to arrest them by the officers of justice have hitherto proved ineffectual; And whereas, the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrator of an offence so heinous, should be brought to speedy and condign punishment; I have therefore thought proper to issue this proclamation, hereby offering a reward of One Hundred Dollars to any person or persons who shall apprehend either of the said fugitives within the county of Montgomery, and secure him in the jail of said county; and the sum of Two Hundred Dollars if either of the said offenders shall be apprehended and secured in the jail of any other county of this commonwealth, or if he shall be apprehended and secured without the limits of this state; which sum will be paid on the conviction of the perpetrator of the crime aforesaid. And all judges, justices, sheriffs, coroners, constables and other officers within this commonwealth are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alleged perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this eleventh day of November, in the year of our Lord one thousand eight hundred and thirty-six, and of the commonwealth the sixty-first.

By the Governor,

Tho. H. Burrowes,

Secretary of the Commonwealth.

All the persons accused of the crime aforesaid are Irish labourers. Muncy is a young man, and two of the others are middle aged.

Proclamation Announcing the Election of Representatives of Pennsylvania in the Congress of the United States.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas in and by An Act of the General Assembly of this Commonwealth, entitled "An Act to provide for the election of Representatives of the People of this State in the Congress of the United States," passed June the ninth, one thousand eight hundred and thirty-two, it is made the duty of the Governor on the receipt of the returns of the election held in the several Congressional districts in this Commonwealth, to declare by Proclamation the names of the respective persons returned to him as duly elected in each district: And Whereas, the returns of the General Elections, held on Tuesday the eleventh day of October last, in and for the several districts, for members to serve in the House of Representatives of the Congress of the United States, for the term of two years from and after the fourth day of March next, have been received in the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited act, whereby it appears: That in the First district composed of East and West Southwark, Moyamensing, Passyunk, King-

sessing. Blockley, Penn Township, Germantown, Roxborough and Bristol, in the county of Philadelphia. Lemuel Paynter has been duly elected: in the Second district composed of the city of Philadelphia. John Sergeant and George W. Toland have been duly elected; in the Third district composed of the residue of the county of Philadelphia. Francis J. Harper has been duly elected: in the Fourth district composed of the Counties of Delaware, Chester and Lancaster. David Potts, Edward Darlington and Edward Davies have been duly elected; in the Fifth district composed of the County of Montgomery. Jacob Frey, jun., has been elected; in the Sixth district composed of the county of Berks. Matthias Morris has been duly elected: in the Seventh district composed of the Counties of Northampton, Wayne, Pike and Monroe, David D. Wagener has been duly elected: in the Eighth district composed of the counties of Schuylkill and Lehigh, Edward B. Hubley has been duly elected: in the Ninth district composed of the County of Berks, Henry A. Muhlenberg has been duly elected: in the Tenth district composed of the counties of Lebanon and Dauphin, Luther Reily has been duly elected: in the Eleventh district composed of the county of York, Henry Logan has been duly elected: in the Twelfth district composed of the Counties of Adams and Franklin, Daniel Sheffer has been duly elected. In the Thirteenth district composed of the Counties of Cumberland, Perry and Juniata, Charles McClure has been duly elected: in the Fourteenth district composed of the Counties of Mifflin, Huntingdon and Centre, William W. Potter has been duly elected; in the Fifteenth district composed of the counties of Columbia and Luzerne, David Petriken has been duly elected: in the Sixteenth district composed of the Counties of Union, Northumberland and Lycoming, Robert H. Hammond has been duly elected; in the Seventeenth district composed of the Counties of Susquehanna,

Bradford, Tioga, Potter and McKean, Samuel W. Morris has been duly elected; in the Eighteenth district composed of the Counties of Bedford, Somerset and Cambria, Charles Ogle has been duly elected; in the Nineteenth district composed of the Counties of Westmoreland and Indiana, John Klingensmith has been duly elected; in the Twentieth district composed of the counties of Fayette and Greene, Andrew Buchanan has been duly elected; in the Twenty first district composed of the County of Washington, Thomas M. T. McKennan has been duly elected. In the Twenty second district composed of the County of Allegheny, Richard Biddle has been duly elected; in the Twenty third district composed of the counties of Clearfield, Jefferson, Armstrong and Butler, William Beatty has been duly elected; in the Twenty fourth district composed of the Counties of Beaver and Mercer, Thomas Henry has been duly elected, in the Twenty fifth district composed of the counties of Crawford, Erie, Warren and Venango, Arnold Plumer has been duly elected: And to fill the vacancies in the present Congress caused by the resignations of John Banks and Jesse Miller, John I. Pearson has been duly elected on the said eleventh day of October last in the Twenty fourth district in the room of the former: and James Black has been duly elected on the fourth instant in the Thirteenth district in the room of the latter. Now therefore, I have issued this Proclamation hereby publishing and declaring that Lemuel Payntes, John Sergeant, George W. Toland, Frances Harper, David Potts, Edward Darlington, Edward Davies, Jacob Fry, Matthias Morris, David D. Wagener, Edward B. Hubley, Henry A. Muhlenberg, Luther Reily, Henry Logan, Daniel Sheffer, Charles McClure, William W. Potter, David Petriken, Robert H. Hammond, Samuel W. Morris, Charles Ogle, John Klingensmith, Junior, Andrew Buchanan, **Thomas M. T. McKennan, Richard Biddle, William Beatty, Thomas Henry, and Arnold Plumer**

have been returned as duly elected in their several congressional districts before mentioned as Representatives of the people of this State in the House of Representatives in the Congress of the United States for the term of two years, to commence from and after the fourth day of March next; and that John I. Pearson and James Black have been duly elected to fill the vacancies above mentioned.

Given under my hand and the Great Seal of the State at Harrisburg, this Sixteenth day of November, in the year of our Lord one thousand eight hundred and thirty-six, and of the Commonwealth the sixty-first.

By the Governor,
Tho. H. Burrowes,
Secretary of the Commonwealth.

Proclamation of the Election of Electors of President and Vice President—1836.

Pennsylvania ss.
[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas it is provided in and by an Act of the General Assembly of this Commonwealth, entitled "An Act to direct the manner, time and place of holding elections for Electors of President and Vice President of the United States," passed on the second day

of February in the year one thousand eight hundred and two, and the supplement thereto passed the twenty-ninth day of March, in the year one thousand eight hundred and twenty-four, that the Governor having received the returns of the elections from the Sheriff of the City and County of Philadelphia, and the respective sheriffs of the several counties of this Commonwealth, shall enumerate and ascertain the number of votes given for each and every person voted for as an Elector of a President and Vice President of the United States; and therefore declare by Proclamation the names of the persons so duly elected and chosen, and also that he shall notify the same to the Electors respectively on or before the last Wednesday in the month of November next after such Election;

And Whereas it appears by the return which I have received that James Thompson, Robert Pattison, Thomas D. Grover, Joseph Burden, John Naglee, Samuel Badger, Gardner Furness, Oliver Allen, Henry Myers, John B. Steigere, Henry Chapman, Jacob Kern, Jacob Dillinger, Paul Geiger, Calvin Blythe, Henry Welsh, Thomas C. Miller, William Clark, John Mitchell, Leonard Rupert, George Kremer, Asa Mann, William R. Smith, Samuel S. Carpenter, Robert Patterson, Wallace McWilliams, James Power, Robert Orr, John Carothers and John P. Davis are the persons for whom the greatest number of votes were given at the said election, held on Friday the fourth day of November instant:

Now therefore I have issued this Proclamation hereby publishing and declaring that the said James Thompson, Robert Patterson, Thomas D. Grover, Joseph Burden, John Naglee, Samuel Badger, Gardner Furness, Oliver Allen, Henry Myers, John B. Steigere, Henry Chapman, Jacob Kern, Jacob Dillinger, Paul Geiger, Calvin Blythe, Henry Welsh, Thomas C. Miller, William Clark, John Mitchell, Leonard Rupert,

George Kremer, Asa Mann, William R. Smith, Samuel S. Carpenter, Robert Patterson, Wallace McWilliams, James Power, Robert Orr, John Carothers and John P. Davis, are duly elected and chosen Electors of a President and Vice President of the United States to serve at the election in that behalf to be held at the seat of Government of this State (being the borough of Harrisburg in the County of Dauphin), agreeably to the said acts of the General Assembly of this Commonwealth and the act of Congress in such case made and provided.

Given under my hand and the Great Seal of the State at Harrisburg this twenty-second day of November in the year of our Lord One thousand eight hundred and thirty-six, and of the Commonwealth the Sixty-first.

By the Governor,

Tho. H. Burrowes,

Sec'y of the Common'th.

Annual Message to the Assembly—1836.

Fellow Citizens:

OUR CONSTITUTION, WHICH IS THE INDEX of official duty, as well as the Charter of Liberty, has directed that the Executive shall, from time to time give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration measures deemed conducive to the general good. The practice of our fathers has determined, that this most responsible duty shall be regularly and chiefly fulfilled at the commencement of each Session of the Legislature. This is a salutary custom. It enables him upon whom the performance of the

duty devolves, to report to the people's representatives the views which his position, and continued attention to the affairs of the Commonwealth, have presented during the changes of the preceding year. To them, if the measures suggested be correct, it affords subjects for immediate and useful legislation. If incorrect, the investigation necessary to prove them so, and the consequent adoption of counter projects, are, it is fair to presume, equally productive of public benefit.

In approaching, for the first time, this most important official act, much difficulty presents itself. The mind of the Pennsylvanian is apt to be occupied in contemplating the growing prominence, in the national group, of his native state; her increasing commercial prosperity, and vast internal resources; and her population strengthening in number, in wealth and in intelligence. But to one charged with the grave task of originating and recommending legislative measures, which must either prove blessings or injuries to unborn generations, the moral condition of the present time, with the causes of its defects, and the means of its improvement, should be the primary object of inquiry. In such point of view, the pecuniary effect of a canal, a rail road, or a bank, becomes matter of mere secondary moment. Under this impression of the paramount bearing of the things which relate to our moral and social conditions, as a great community, accountable to the Creator and to posterity for the happiness and freedom we enjoy, I shall attempt a brief review of that condition. If, in tracing the origin of such evil as may be found to exist in our social relations, and in recommending measures for its removal, the prejudices or the associations, the obligations or the interests of any, shall be commented upon, a sufficient justification will be discovered in the circumstances of the call to my present station.

On casting the eye over the moral landscape of Pennsylvania, much—very much—apparently calculated to cheer the heart of the patriot and philanthropist, meets the view. A community is beheld, dwelling in the midst of peace, under the benign influence of equal laws, enjoying the safety of a free government of their own choice, in a land of plenty, healthfulness and beauty. Productive labor and useful qualifications are acknowledged to be the true and only sources of wealth and respectability; he who possesses them being held in equal repute, whether they have already acquired for him a competence, or have only given a sure promise of his independence. Hence wealth and poverty, except so far as vice has caused and degraded the one, or worthlessness marks the other, are unknown as terms of reproach. Titles of nobility, or claims to respect and power, founded on aught but individual merit, are not heard. All are free—free to choose their own manner of life—to pursue their own happiness—to select those who shall administer their government. All are equal in the eye of the law—equal to hold office and to serve their country, and equal to each other if unstained by vice or crime. All are responsible—to their God for the rich benefits they enjoy—to their country, for the application of their talents, their knowledge, and their means to the common good—and to posterity for the unimpaired transmission of the trust committed to their charge.

This is the cheering appearance of our common condition, and the beautiful theory of our social compact. It is pleasant to dwell upon it, and to complete it. But eulogy of the system is not a duty of government—a jealous watchfulness of its safety, and a fearless annunciation of encroachment, form the stern task of those to whom the rights and the powers of a free people are committed. Hence it becomes proper and necessary to scrutinize more closely—to examine below

the surface, the workings and springs of the apparently smooth expanse of our civil and political condition. If this be done faithfully and without reserve, I fear certain under currents will be discovered, which are rapidly, though silently, sweeping the ark of our political salvation to destruction.

The first of these is that spirit of lawless combination, unknown to our open and equal institutions, and opposed to the genius of republicanism, against which the Father of his country sent forth his last and most solemn warning. What was comparatively restricted and harmless in his day, has since assumed the dangerous character of regularly organized, oath bound, secret working, wide spread, and powerful societies. Of these, some bearing more, and others less of the features just enumerated, the society of Freemasonry is the fruitful mother. Their effects are: the propagation and support of principles and doctrines, by concentration of influence, from the justification or even avowal of which, individual character and responsibility would shrink: the disregard of all law and right, both constitutional and legislative, which, if unchecked, is the sure precursor of anarchy, and the first step to despotism; the demoralization of society, by the administration of unlawful and wicked oaths, which, if kept, produce the result for which they were intended; and, if broken, accustom our citizens to make light of that which is the great agent of justice, and one of the bonds of society; the promotion of monopoly and the prostration of the uninitiated man of business.

These inevitable and indisputable results are sufficient to arouse, and, I have no doubt, will receive the attention of our Legislature. Permit me to recommend the subject to your early and deliberate consideration. At the last session it was partly acted upon. The question of the constitutional right of the Legisla-

ture to investigate and legislate on the subject of secret oath-bound societies was settled, after a full and deliberate discussion.

You meet under different, and permit me to say, under peculiarly favorable auspices for the final disposal of this unpleasant matter. Whatever you do will not be attributed to party zeal or excitement. You have it in your power, by a full investigation of the nature of secret societies, and by the passage of proper laws for their suppression or control, forever to remove this stumbling-block. The people of the State expect the emergency to be met by the Legislature, not as partizans, but as freemen, determined to perform their duty to the country, regardless of mere political consequences, and of every obligation except those which bind us all to the support of the Constitution and the Laws.

The other great malady of the times is that desire which is now so ravenous, of acquiring wealth without labour. Submission to the old democratic spirit of the State, yet restrains the open avowal of the doctrine that money is power, and keeps up the appearance of respect for useful labor which has always characterized hard-working and economical Pennsylvania. But, in reality, we are far departed from the manly principles and vigorous morals of our fathers. A gambling spirit of speculation is abroad. The basis of it is a desire to obtain wealth at the expense of others, and without equivalent.

The speculations of the present day, whether in stock, in coal lands or town lots, are in reality nothing but the sale of a mere hope of greater success and profit than the seller had realized at the time of sale. If the eye be kept upon one of these transactions from the commencement of the excitement, till the final prostration of the concern, it will be found to a regular series of deception, disappointment and distress. No

adequate value in labour or productiveness being generally transmitted from dupe to dupe, he in whose hands the gilded deception finally rests, must prove its emptiness, and pay the whole amount of all previous profits. It is thus, that, with a regularity which might almost be graduated to mathematical exactness, the various stages of a speculation are passed through, till the final "depression" arrives with unavoidable and hopeless ruin. The great secret of the game is, for each to hold the ball just long enough to enable him to strike his neighbour with the greatest possible severity, and not so long as to incur upon himself the forfeit.

This spirit cannot all be checked, even by the wisest measures of government. Part of it proceeds from principles and weaknesses inherent in human nature. But much of it is caused by, and of course is within the control of legislation. The great number and variety of corporations created within a few years, have increased and given food to this depraved appetite. I do not wish to be understood as opposed to useful corporations. Such is not the consequence of opposition to stock jobbing. It is a singular fact, that the stocks of corporations created for laudable objects have not been, as a general rule, the subject of wild speculation. It is only "fancy stocks," which have no real existence except on the book of the broker, and which represent no embodied amount of labor useful to the public, that admit of the game of speculation. Others, such as those of fair business banks, and real canals, railroads and turnpikes, also rise and fall; but their fluctuations are only in proportion to the real value of money, and the actual profit of the investment. They cannot well be "cornered," and a contractor be ruined, for not doing that, which, before the bargain, the other party had determined he should not be able to perform.

The act of Assembly, passed during the last session, relative to "Limited Partnerships," should hereafter, to a great extent, prevent the increase of corporation. And a due regard for the public welfare demands that no new corporate bodies should be created, except upon the most certain proof of their necessity, and of the accomplishment of the proposed object being beyond the power of individual enterprize. This is the sound old rule in this State on the subject, and it should in no case be departed from. The formation of these artificial bodies in unnecessary cases, or under circumstances calculated to enter into competition with, and cramp the energies of fair trading and responsible individuals, is a trampling upon the rights of the citizen. It serves to foster and perpetuate the thirst for gain without labor: it unduly increases profit and decreases risk, thereby paralizing individual effort: it takes away responsibility, both moral and pecuniary, except to the small extent of actual investment: it multiplies influence and the means of success by combining the whole weight of the members into one overwhelming mass: it aids deception by making it the interests of all concerned to puff the project: and finally, it begets confusion and panic in society by the efforts of the many who are concerned to escape from the fall of the tottering fabric.

The circumstances under which the present Legislature come together, render the correction of this evil a work peculiarly proper for them. Let a thorough investigation be made into the whole business of speculation in stock, and let the corrective measures, which shall be found necessary, be fully and promptly applied, and there is little doubt but that a wholesome check will be given to this demoralizing evil.

For a more full expression of my opinions on this subject, the Legislature is referred to the communication made to the House of Representatives, on the 16th

of March, 1836, relative to the increase of capital of the Girard Bank.

This departure from the laborious, and steady, and unspeculating habits of our forefathers, is not more lamentable and remarkable, than the change that has come over our former well anchored and cherished State creed of National Policy. From the first formation of the Union, Pennsylvania was noted for her unshaken attachment to the National honor, and for unflinching support of the best interests of the whole country, both in peace and in war. But throughout every change, she always professed and maintained a set of doctrines of her own, which for many years were not discovered to be inconsistent with her sound democratic character, or with the good of the common country. It was not, until lately, demanded of her that she should sacrifice these her peculiarly cherished principles of public policy. Nor was it until our own days, ever dreamed, that her authorized agents would, at the nod of power, or at the threat of the refractory, basely complete the degradation. Yet such has been the case. Doctrines which were promulgated from the highest authority amongst us, as orthodox and Pennsylvanian one day, have been denounced and repudiated the next. Principles, that were confirmed over and over again by the people, solemnly asserted by their representatives, have been abandoned, and their opposites embraced. And that voice which, in the national councils, if not the loudest, was at least the most consistent, and in harmony with the feelings of home, has been made to proclaim, from day to day, the subserviency of Pennsylvania to the General Government.

In rapid and startling succession, all the principles of Pennsylvania policy, all the objects of State pride, have been attacked: nor have there been wanting Pennsylvanians to aid in their prostration. First, In-

tional Improvements by national means; then the distribution of the proceeds of the public lands amongst the States in proportion to representation; next the protection of domestic industry, of which leading article of the American System, Pennsylvania was the champion, and the produce of whose expiring energies is now about to enrich her treasury by the distribution of the Surplus Revenue; afterwards the National Bank; and last, but worst of all, came the base bowing of the knee to the dark spirit of Slavery.

For the preservation of this last, and most cherished article of our National political creed, the sacrifice of which has not yet been consummated, it is our duty to make all possible effort.

To ascertain what have been—nay, what are the doctrines of the people of this State, on the subject of Domestic Slavery, reference need only be made to the statute book and journals of the Legislature. They will there be found imprinted in letters of light upon almost every page. In 1 Smith's Laws 493, is found an "act for the gradual abolition of Slavery in Pennsylvania," with a preamble which should be printed in letters of gold. This is the first act of the kind passed in any part of the Union, and was nobly put forth to the world in the year 1780, in the midst of the struggle for National freedom. This just doctrine was, through a long course of years adhered to, and perfected, till slavery ceased in our State. And finally, in 1827, the following open avowal of the State doctrine, was prefixed to the act "to prevent certain abuses of the laws relative to fugitives from labor." "The traffic in slaves, now abhorred by all the civilized world, ought not in the slightest degree to be tolerated in the state of Pennsylvania."—Pamphlet Laws, page 485.

Not only has Pennsylvania thus expelled the evil from her own borders, but she has on all proper occasions, endeavoured to guard her younger sisters from

the pollution. On the 19th of December, 1819, the following language was unanimously made use of by the Legislature, and approved by the Governor, on the question of admitting new States into the Union, with the right of holding slaves: "That the Senators and Representatives of this State, in the Congress of the United States, be, and they are hereby requested to vote against the admission of any territory as a State into the Union, unless the further introduction of slavery or involuntary servitude, except for the punishment of crimes, whereof the party shall have been duly convicted, shall be prohibited; and all children born within the said territory, after its admission into the Union as a State, shall be free, but may be held to service until the age of twenty-five years."

The preamble to this resolution, too long to be cited at large, is worthy of all consideration at the present juncture.

On the much discussed question of slavery in the District of Columbia, there never has been any thing like hesitation. On the 23d of January, 1819, the Legislature passed a resolution instructing our representatives in Congress to advocate the passage of a law for its abolition; and the voice of public opinion, as expressed through the press, at meetings and in petitions, has been unchanging on the subject.

These tenets, then, viz: opposition to slavery at home, which, by the blessing of Providence, has been rendered effectualy; opposition to the admission into the Union of new slave-holding States, and opposition to slavery in the District of Columbia, the very hearth and domestic abode of the national honor, have ever been, and are the cherished doctrines of our State. Let us, Fellow Citizens, stand by and maintain them unshrinkingly and fearlessly. While we admit and scrupulously respect the constitutional rights of other States, on this momentous subject, let us not, either

by fear or interest, be driven from aught of that spirit of independence and veneration for freedom, which has ever characterized our beloved Commonwealth.

Above all, let us never yield up the right of the free discussion of any evil which may arise in the land or any part of it; convinced that the moment we do so, the bond of the union is broken. For, the Union being a voluntary compact, to continue together for certain specified purposes, the instant one portion of it succeeds in imposing terms and dictating conditions upon another, not found in the contract, the relation between them changes, and that which was union becomes subjection.

It would occupy too much space to prove, from our Statute Book and Journals of Legislation, the nature of our State doctrines upon the other questions of national policy, above enumerated. For the present, I shall only quote a truly Pennsylvanian passage, from the Annual Message of my predecessor, sent to the Legislature so late as the 7th of December, 1831:

"The policy of a protecting tariff, and encouragement given to works of internal improvement of a national character, by the general government, are favorite measures with the people of Pennsylvania; and the former is esteemed by them as being identified with their best interests. The constitutionality of these measures is not questioned here; nor is there any doubt entertained as to their entire expediency. And much as we may regret, that complaints with regard to the supposed oppressive character and bearing of one of these measures, should obtain elsewhere; yet from the universal prosperity that is admitted to abound in every part of our happy country, there is reason to doubt whether the prevailing discontents are well founded; and we are admonished to restrain our sympathies in behalf of our complaining brethren, lest in lending ourselves to aid in relieving them from

an imaginary oppression, we put ourselves in a condition to be seriously oppressed. Upon these all engrossing questions of national policy, the voice of Pennsylvania has been repeatedly expressed, through her State Legislature, as well as by her representatives in Congress, and so long as she shall continue to place a proper estimate upon her own prosperity, and the success of her infant manufacturing establishments, she will not cease to cherish the same sentiments in favor of measures indispensable to the successful forstering and encouragement of her domestic industry and enterprize."

The chief hopes of the Commonwealth amidst the difficulties which surround her increasing prosperity, are to be found in a virtuous and enlightened population. The general spread of education among all classes, and the bringing of every individual to feel its benign influence, are the only human means of preserving our free institutions, and of safely sustaining our national prosperity. To effect this, the Common School system of education was established in this State. After innumerable difficulties, and through much opposition, it has arrived at its present condition. The whole number of Common School districts in the State, is about one thousand; of these about eight hundred are accepting, and two hundred non accepting districts; of the accepting districts, about three hundred and fifty have already complied with the School Law of last June, and have received their respective portions of the present State appropriation of two hundred thousand dollars, amounting in the aggregate to sixty five thousand six hundred and nineteen dollars and seventy-seven cents. For further details of its condition, I would refer to the report of the Superintendent of Common Schools, which will be laid before you at the proper time. That document will contain a full account of the operations

of the system during the year ending on the last day of this month. The indefatigable exertions and intimate acquaintance of the Superintendent with the situation and wants of the system, entitle the suggestions which he will offer, to much attention.

It would be difficult yet to estimate the effect of the Common School law of last session. Parts of it, such as a poll tax, to vary from one to fifty cents, at the discretion of the directors of each district, met with much opposition. It might be supposed that a law, such as the one in question, intended solely for the common good, would have been deemed by all too sacred to be made the subject of party strife. Such, however, has not been the case. It therefore becomes proper for the legislature to remove the objectionable feature, and further to amend the whole system, so as to take it out of the reach of party politics, and adapt it more completely to the wants and feelings of the people.

One cause of the slow progress which the system has hitherto made, is the want of funds, and its main reliance upon taxation for support. Though large in the aggregate, the present state appropriation is small when distributed among the numerous districts of the Commonwealth. And when received, the necessity, for the first year or two after the adoption of the system, of applying nearly the whole funds at the disposal of directors, to the obtainment of school houses, leaves but a small portion for the actual purposes of teaching. Thus, acceptance of the Common School law, frequently leaves a district in a worse condition than that in which it was before. Acceptance of the new, is a repeal of the old law. The cost of school houses absorbs nearly all the school funds. So that, for the greater part of the year, the accepting district is actually without the benefits of any system whatever. As a means of remedying this evil, and of de-

creasing the burden of taxation, permit me to recommend the appropriation of five hundred thousand dollars out of Pennsylvania's dividend of the Surplus Revenue, for procuring school houses and such other purposes as the directors of each district may deem best calculated to put the system into vigorous operation. On the supposition that there are or should be five thousand Common Schools in the State, this sum, independent of the means already at the disposal of directors, would enable them to apply one hundred dollars to the building, purchasing or enlarging and completing of each school house, and the adoption of other measures necessary to promote the welfare of the school. The appropriation should be distributed among the accepting districts, in proportion to their taxable inhabitants, or in such other ratio as will be most just; retaining in the State Treasury, for the use of non accepting districts, their dividends until they shall accept the system.

This measure would free the commencement of the system from all embarrassment, and would leave the whole sum of annual appropriation applicable to its legitimate object, that of teaching. It would also be the partial fulfilment of one of our favorite State projects: that of applying the proceeds of the sale of the public lands to the purposes of education. No more proper use can be made of an income purchased with the blood and treasure of the whole nation. A great proportion of the Surplus Revenue now distributable, arises from the source just mentioned. It is reasonable to expect that it will continue to enrich the National Treasury for many years, and will enable this State to bestow most effectual and munificent aid on the cause of education, without crippling her other undertakings. Under this impression, I further recommend the permanent addition of one hundred thousand dollars to the present State appropriation of two

hundred thousand dollars, to be charged on the State Treasury; with such a modification of the school law, as will enable the system to be supported without resort to forced taxation.

These appropriations and amendments can now not only be made without the slightest danger of embarrassment, but the cheering prospect can be held out, of yet further increasing the public aid to the system. All possible exertions should be made to effect this laudable and indispensable object. It is in vain—it is even wrong, to attempt the sustainment by means of taxation of any project, unless it have indisputably the voice of the people in its favor. Whether such is the case with respect to the present Common School law, is a question which you, coming so recently from their midst, can best decide. Its merits were fully canvassed at the late election, and the course that will be adopted, whether of continuance in its present shape, of amendment, or of repeal, will no doubt be in accordance with your views of expressed public opinion on the subject.

The best interests of the Commonwealth are at stake upon the experiment of Common Schools. All the energies of the State should be applied to it, until success be achieved, or until the system be clearly proved contrary to the public will, and incapable of producing the desired result. No considerable portion of the public means, intended for the purposes of education, should now be diverted from that object. The large aid heretofore bestowed upon colleges and academies, without system or accountability, seems to have produced comparatively little public good. It is therefore respectfully recommended that, until the Common School system be completely tested, and until some more efficient plan of public relief to colleges and academies can be devised and adopted, appropriations for their support be made with extreme caution.

Having thus remarked upon the defects and wants of our moral and social condition, it gives me unqualified gratification to turn to the more temporary, but very interesting pecuniary concerns of the Commonwealth. Here little but that which is bright and promising presents itself.

Twelve months ago the whole state debt, which in 1825, when the Internal Improvement system commenced, was one million eight hundred and forty thousand dollars, had by annual increases, grown to the sum of twenty four million two hundred and fifty five thousand three hundred and three dollars and thirty two cents. A law for the collection of State tax, from real and personal property, was in active existence. Loans of money for the payment of the interest of the State debt were a part of the State policy and practice. The public credit was gradually sinking, and the works of Internal Improvement, which had caused the existence of nearly the whole of the debt, and to which our citizens had so long and so anxiously looked for relief, were languishing. In some quarters of the State, those parts of them which had been completed, were producing a revenue scarcely sufficient to warrant the hope that they would ever cease to be a public burden. In others, isolated portions which had been commenced in opposition to every dictate of prudence or policy, and had been prosecuted without system or unity, seemed to be abandoned to premature decay. Now, the increase of the State debt is arrested. The State tax has been permanently repealed. Loans for the payment of interest, that infallible precursor of private as well as public bankruptcy, have, I trust, forever ceased. The Commonwealth's credit is restored, and if no imprudent measures be adopted, will increase beyond its height at any former period. And, finally, the vigorous prosecution of the abandoned portions of the public works has been resumed, and the

completed portions have been made to yield a promise of self-sustainment, which is truly gratifying.

The whole of this healthful and cheering change, was produced by one well-timed, wise and truly Pennsylvanian act of legislation. The Bank of the United States, which had twice aided in restoring the credit of the nation, became, as a State institution, the means of producing, for Pennsylvania, that financial redemption which it had formerly effected for the Union. The large price paid for its corporate privileges, is as nothing, in comparison with the soundness infused, or rather, retained in our currency; the support imparted to our credit; the energy re-awakened in the system of internal improvement; the aid afforded to the cause of education; and the vigor revived in all kinds of trade and business.

Posterity will scarcely credit the tale, that State benefits, so necessary and well timed—so manifest and important—purchased, too, with no violation of constitutional right, of political expediency, or of official duty, could be made the dividing word of State politics. Yet so it is. And whether it is the greater wonder, that a foreign, irresponsible and malign influence should have attempted the promotion of such a result, or that a free people should have for a moment endured the dictation, posterity alone can decide.

The currency of the State, it was just remarked, is sound. Such never was the case to a greater degree than now. This is attributable to the caution with which, since the bitter lesson of 1814, new banks have been created, and to the presence and effect of the Bank of the United States, which serves and has served as the great balance wheel of our circulating medium and credit system. While the same caution is observed, and the same balancing power, checked and guarded as it now is, is retained, there can be little

danger of an injurious change. But the period of safety is the time to provide for its perpetuation. The circulating medium of the State is sound. It is as sound as a currency can be, the greater part of which consists of bank notes. But if the banks of the State were allowed to issue no notes of a less denomination than ten dollars, and if the circulation, within the State, of foreign bank notes, below that amount, were prohibited, it may be fairly estimated that not less than one half of all the circulating medium of Pennsylvania would consist of gold and silver coin.

The principal object of the Commonwealth, in the establishment of banks, is, to provide a circulating medium, easy of transportation and more convenient than specie for making large payments, and to facilitate loans to traders, farmers, mechanics and others; thus rendering honesty, industry and economy, in the various occupations of life, equivalent to capital. These desirable objects would be fully attained, if no bank notes of a lower denomination than ten dollars were in circulation within the State. Specie would very soon take the place of the five dollar notes now in use, as gold and silver superceded and supplied the place of bank notes below five dollars, under the operation of the 5th section of the act of April, 1827, prohibiting the issue of notes below that denomination; and the "Act concerning small notes for the payment of money," passed April 12, 1828.

If the one-half of the money circulation of the country were in gold and silver, and the other half in bank notes of ten dollars and upwards, the advantages to the people would be very great.

Banks would be safer, and their notes more certainly convertible into specie; and less danger would exist of their stopping specie payments, either from a factitious panic or a real emergency.

Fluctuation in the price of land, of the necessaries

of life, of manufactured articles and the usual commodities of trade, would not be so sudden or frequent, nor so great as they now are, owing to banks, at times, increasing, and, at times, diminishing their issue of bank notes.

The profits of banks would be reduced from the undue amount of taxation upon the necessaries of the community, which they now frequently reach, and would be equalized and rendered certain, at a fair equivalent for the use of money, trouble and risk.

The tumultuous rushing upon the Legislature, of importuners for bank corporations, from all parts of the State, would cease, because no charter or re-charter would be demanded unless clearly required by the public interest, in which case its grant would be a matter of course.

Bank notes would circulate, principally, among those who have large dealings and extensive payments to make and receive; and most of the money in use in the country, in ordinary transactions and among laborers, most mechanics, and keepers of small shops and stores, would be gold and silver coin.

In the event of a bank breaking or stopping payment, the loss would be nearly confined to the few who usually have much money on hand, and would not affect the many, whose dealings are small, and who, generally, have not large sums in their possession.

There would be much less inconvenience and injury from counterfeit notes, as the circulation of bank notes would be generally confined to those who could more readily ascertain their genuineness, or be enabled to bear the loss of receiving counterfeit ones.

I, therefore, recommend the enactment of a law, prohibiting, after the 1st day of January, 1838, the State banks from issuing and interdicting, within the State, the circulation of any bank note of a lower denomination than ten dollars.

The commencement of the course of legislation now proposed, was made at the last session of the Legislature, in the charter granted to the Bank of the United States. That institution is not permitted to issue notes of a less denomination than ten dollars.

Banks, while they subserve the convenience and interests of the people, will and ought to be created and continued; but care should be taken to impress and continue upon them two features. These are, the instant and unceasing ability to convert their notes into specie and the absence of all undue profit to the holders of stock. The making and regulation of the circulating medium being one of the attributes of sovereignty, government is responsible for its soundness. If it be deemed convenient and proper, by the Legislature, to entrust to individuals this important branch of power, though the performance of the duty is, thereby, delegated to other hands, the responsibility is still unchanged. In this point of view the Legislature is not only bound to see that the trans-ferred power is exercised with pecuniary, but also, with moral safety; and to take all possible precautions to guard against a loss to the community, either of money or virtue.

No means of doing so, seems to promise so much success as the introduction and practice of some more rigid system of bank making than that heretofore in use. The following, it is believed, would have the desired effect: Let the practice of receiving a price or bonus for banking privileges, be abandoned. Let the stock of all new banks be sold by public auction, and the premium, after paying the expense of sale, go into the State Treasury. Let a tax be imposed on all dividends so heavy as to allow six per cent. to stockholders, and one or not more than two per cent. in addition, to insure them against risk and indemnify them for losses previous to the declaration of the maximum dividend. Prohibit the issuing of notes below the de-

nomination of ten dollars. And, finally, let the contingent fund, on hand at the expiration of the charter, be considered as dividend, and the State be entitled to the same proportion of it is of others dividends declared by the bank.

If such a system of banking were acted upon, it is not probable that any bank would be demanded for speculating purposes. It would be only in cases of absolute commercial necessity that an act of incorporation would be asked for. The stock would be taken either by those for whose use the institution was intended, or by persons desirous of making a safe and permanent investment. The management of the institution would, consequently, not be influenced, either by stock speculators or by want of business, originating in the existence of too many similar institutions. After a few years adherence to such a system, it might be laid down, as a general rule, that every bank was necessary and proper whose stock could be sold, because no stock would be sold for merely speculating purposes.

Whilst on this subject, I would respectfully invite the attention of the Legislature to the incorporation of savings institutions and loan companies. The former, while confined to their original object, viz: the accumulation and safe keeping of the hard earnings of the poor man, are laudable and highly useful. But, for the full accomplishment of this beneficent end, they need no Legislative incorporation. It is only when they have attracted the attention and designs of the speculator or capitalist, that they are found not to be secure enough for his deposit, without a charter. It is, in reality, then, only, that they become insecure; for the Legislative charter, taking away, as it generally does, from the trustees or managers all individual responsibility, and the institution being either wholly destitute, or, at least, having a very small pro-

portion of stock subscribed to secure deposits, though the amount of business which may be transacted is generally unlimited, depositors are thus left with scarcely any other security for their money than the honor of the managers.

Loan companies are quite as exceptionable. A few acts incorporating institutions of this kind were signed during the last session, with exceeding reluctance and solely from an unwillingness to differ with the Legislature. An inquiry into their nature and bearing upon society, it is believed, would prove the impropriety of increasing their number. In most cases, it will be found that the incorporation of both savings institutions and loan companies is resorted to merely as the first and easiest step to the obtainment of a bank charter.

For a statement of the condition of the banks and savings institutions of the commonwealth, I would refer the Legislature to the report of the Auditor General, which will be transmitted as soon as replies shall be received to the circular letters addressed to those corporations on the 21st of last month, in accordance with the act of last session, "requiring the banks of this commonwealth to make quarterly statements to the Auditor General."

The permanent State debt, as was before stated, amounts to twenty-four millions two hundred and fifty-five thousand three hundred and three dollars and thirty-two cents. It is now useless to inquire how it was incurred, or whether the money was expended to the best advantage. The debt is due, and it becomes a wise and honest people to guard against its increase, without retarding the improvements of the State, and to take instant measures for its reduction. It gives me unfeigned pleasure to be able to state to the General Assembly, that both these desirable ends may be accomplished. The public works may be prose-

cuted with all prudent despatch, and the public debt may be paid off as the different loans become redeemable, and some of them may even be anticipated.

During the past fiscal year, as will more fully appear by reference to the annual reports of the State Treasurer, Auditor General, and Commissioners of the Internal Improvement Fund, all claims against the Commonwealth, with three exceptions, were discharged out of the proper unhypothecated resources of the Treasury, the public works were resumed and carried on, and the interest of the State debt paid.

Of the exceptions just alluded to, one was a deficiency in the interest fund to meet the payment due on the first of February last. To supply it, a temporary loan was recommended by my predecessor in the annual message at the commencement of the session. The subject was subsequently brought before the Legislature by myself, and on the 22d of January, an act of Assembly passed, authorizing a temporary loan of three hundred and fifty thousand dollars for the purpose. The loan was taken by the Bank of Pennsylvania on the terms prescribed by the act, and applied to the object intended. It has since been repaid.

Another exception was caused by the existence of certain internal improvement debts, principally for repairs and objects connected with the motive power department of the State rail roads, contracted previous to the 1st of February, 1836, and for which no provision had been made by the Legislature, when the annual Improvement bill of 18th February, 1836, passed. This oversight, it is presumed, arose from the fact that their existence had not been clearly stated in the annual report of the Board of Canal Commissioners. The subject was submitted to the Legislature by message, on the 7th of June, 1836, and, on the 10th of the same month, a special act was passed, au-

thorizing a temporary loan for the purpose, not to exceed two hundred thousand dollars, at four per cent. It has since been discovered, that the whole amount of these debts is not so great as was at first supposed, and that the words of the act do not cover all the kinds of them that were intended to be provided for. Only two descriptions, viz: those "for repairs, and new work on finished lines of canals and railways," contracted "previous to the first day of February, 1836," are specified. Thus, a portion of the old motive power, and other kinds of debt, is still to be provided for. The whole amount of these debts, as far as ascertained, is upwards of one hundred thousand dollars. They were all contracted previous to the 1st of February, and all of them, except the motive power debts, incurred beyond the specific appropriations made for the purposes respectively by the preceding Legislature, and previous to the Improvement bill of 18th February last. The whole amount of the "repair" debts has been or will be paid out of the proceeds of the temporary loan above named, and forty-seven thousand two hundred and nineteen dollars and twenty-six cents of the motive power debt was paid, under the resolution of 17th March, 1836. The portion still remaining due is not yet definitely ascertained; but, as it is not specifically charged upon any fund, special provision is to be made for its payment.

A revision of this matter becomes proper on another account. Though the temporary loan in question was not expressly pointed at the Bank of the United States, under the 6th section of the charter act of that institution, which provides "that said corporation shall be bound, whenever required by law, to advance to the commonwealth, as a temporary loan, any sum of money not exceeding one million of dollars in any one year, at an interest of four per cent., a year, reimbursable at the pleasure of the Common-

wealth, within twelve months from the date of the loan," yet it seemed to me that it was intended by the Legislature to be obtained from that institution, under the provision just quoted. The officers of the Bank were of a different opinion, though they consented to advance so much of the loan as might be required, till the Legislature should remove all doubt on the subject. The matter is now submitted, that the loan may be brought within the charter act of the bank, and that the terms of the law may be made broad enough to cover all improvement debts due previous to the 1st of February last, and hitherto unprovided for.

The remaining case of temporary loan is the one not exceeding seventy-five thousand dollars, authorised by the act of 1st April, 1836, at an interest not to exceed four and a half per cent. to pay for eleven locomotive engines, directed to be purchased by the act of 28th, January, 1836. This loan was taken under the same circumstances as the one last mentioned, by the same bank, at four per cent. The amount drawn from it heretofore, is thirty thousand dollars; and the whole of it will be required in a few days.

Another subject requiring the early attention of the legislature, as connected with the system of improvement, is the situation of the twenty-five thousand dollars, appropriated by resolution of June 16, 1836, towards avoiding the inclined plane at Columbia. The Canal Commissioners, in accordance with the provisions of the resolution, have located a route of rail way to avoid the plane, at an average grade of thirty-three feet to the mile, and six hundred feet shorter than the present route by the plane; but the money not having been specifically charged upon any fund in the Treasury, the State Treasurer very properly refused to advance it. The whole cost of the work as estimated, will be one hundred and twelve thousand and four dollars and forty-four cents. Every

facility should be afforded to this most desirable object. The sum heretofore appropriated may be paid out of the unappropriated funds now in the Treasury, without risk of embarrassment.

There is no doubt of the propriety or profit of dispensing with both planes on the Columbia and Philadelphia road as speedily as possible. That at Columbia now annually costs, for its support, more than double the interest of the sum necessary for its avoidance. Such is also presumed to be the case with the Philadelphia plane. If to this be added the danger, loss, vexation, and delay, caused by their presence, all doubt of the propriety of the change vanishes.

Though the three last of these points do not properly belong to the transactions of the past fiscal year, having arisen since its close, and therefore do not appear on the Treasurer's accounts of that year, it became proper to explain them, that the necessary legislative action may take place.

The receipts into the Treasury, during the year previous to the 1st of November, 1836, were four millions four hundred and thirty-seven dollars and sixty-four cents. The expenditure during the same period, was three millions six hundred and seventy-five thousand six hundred and thirty-eight dollars and eleven cents, leaving a balance on that day of three hundred and twenty-four thousand seven hundred and ninety-nine dollars and fifty-three cents, after discharging all just claims, and applicable to the wants of the present year. Of the sum expended, two millions seven hundred and sixty thousand seven hundred and seventeen dollars and sixty-one cents were paid into the internal improvement fund, for interest, new work, temporary loans, &c.

I am fully authorised by the report of the proper officers, to state that the Treasury will be prepared on the first days of February and August next, unless its

means should, in the interval, be differently appropriated, to make the semi-annual payments of interest on the state debt, without resort to loan or other expedient, and to discharge all ordinary claims independently of the aid expected from the distribution of the Surplus Revenue.

It will be perceived, that the chief item of expenditure during the last year was for the interest of the improvement debt, and the continuation of the public works. Pennsylvania has six hundred and one quarter miles of completed canal, and one hundred and twenty, of finished railroad. Making an aggregate of seven hundred and twenty and one quarter miles. Yet such has been the ruinous and detached system pursued in their construction, that only four hundred and fifty-five miles of this whole length are now to any useful extent in operation. The Susquehanna division from Duncan's Island to Northumberland, thirty-nine miles, the whole of the North Branch, seventy-three and a quarter miles, the West Branch, seventy-two miles, the Beaver division, twenty-four and three-quarters, the French Creek division, twenty-two and a quarter, and the French Creek feeder, twenty-three miles, forming a length of canal of two hundred and fifty-four and one quarter miles, as will appear by the report of the Canal Commissioners, scarcely pay their lock-keepers, though a great portion of them have been completed for years. On the other hand, the main line of canal and rail road from Philadelphia to Pittsburg, and the Delaware division, have paid a promising revenue; that of the former amounting, during the past year, to a sum nearly sufficient to pay the interest on its construction, and the costs of repairs, supervision and collection; and of the latter presenting a sure promise of a speedy similar result. This difference arises from the fact that the one class of improvements are not only complete in themselves,

but have completed the object of their construction; while the others are mere disjointed beginnings of an immense whole, whose plan was never perfected and whose present condition is a sad proof of the selfishness of sectional jealousy, and of log-rolling legislation.

It was to remedy this defect, to give unity and connexion to this straggling system, and to render profitable to the state, and useful to her citizens, these outlaying works, that the appropriations of the last session were made. The moderate, but vitally necessary plan of joining and rendering available our whole improvements, then commenced, should never be lost sight of till it is accomplished. This may be achieved with systematic and persevering exertion, in four years.

When the works now in progress shall be completed, Pennsylvania will possess eight hundred nine and three-quarter miles of canal, and one hundred and sixty-one and three-quarter miles of rail roads, stretching into every quarter of her territory, and bearing her immense agricultural, manufacturing and mineral wealth to her own proud metropolis, and to every portion of the Union. It is a low estimate to say, that when these works are in full operation, her clear annual income, from this source alone, will not fall short of three millions of dollars; a sum sufficient to pay off her debt as it becomes due, to continue her improvements to any extent, and to authorise the application of one million dollars annually, to the purposes of education. All this, with moderation, prudence and caution now, is not more than eight, and probably only six years distant.

During the year ending 1st November last, the whole income from the state canals and rail-ways, was eight hundred and thirty-seven thousand eight hundred and five dollars and seventy-two cents, a sum considerably

short of the estimate of my predecessor, but which, when the late commencement of navigation, and the want of sufficient facilities for transportation, during the greater portion of the season, are considered, is much larger than could have been anticipated. Since the 1st of November, and up to this date, there have been received in the Treasury, tolls to the amount of one hundred and two thousand seven hundred and forty-nine dollars and thirty-nine cents, making in the whole, nine hundred and forty thousand five hundred and fifty-five dollars and eleven cents.

In connexion with this view of our public works of internal communication, deserve to be remembered, the noble undertakings of a similar character, which the united private enterprize of our citizens has accomplished.

There are in the State, two hundred and eighty-six and a half miles of canal, and one hundred and ninety-six and a half miles of rail road, completed by companies and individuals; and now under contract and in progress of construction, ninety-six miles of canal, and three hundred and sixty-eight miles of rail-way. Making, when completed an aggregate of State and company improvement of all descriptions, of one thousand nine hundred and eighteen miles.

Of these, the three most considerable of the completed company canals, are the Schuylkill, the Union, and the Lehigh, (when finished to Stoddardsville), constructed at an aggregate cost of eight millions seven hundred and sixty thousand dollars, traversing a distance of three hundred miles, with a lockage of two thousand one hundred and fifty feet, and yielding eight hundred and thirty three thousand dollars toll the past season. Of this income, fully the one half was derived from anthracite coal, of which, at the lowest calculation, seven hundred and fifty thousand tons were brought into productive usefulness by these three works alone, during the past season.

While on the subject of Internal Improvements, permit me to remark that the more modern, though highly useful kinds, should not monopolize our attention and care to the exclusion of the older. This State owes much of her early prosperity to turnpikes, state and other roads, and many counties still depend upon them for access to market. Fayette, Greene, Washington, Westmoreland, Somerset, Bedford, Franklin, Adams, York, &c., have had, and still have scarcely any other reliance. The fostering care of the Legislature should be continued to them, and an enquiry instituted whether the turnpike appropriation made by the last session, was sufficient to relieve these beneficial companies, and to put the roads in a state of repair calculated to render them useful to the public. It should always be kept in mind that the counties which principally rely for an outlet to market upon roads of this description, have derived little, if any, benefit from canal and rail-road expenditure.

The following is the estimated amount of receipts and payments at the Treasury during the year commencing on the first of November last:

Receipts.

Balance in the Treasury 1st November 1836,		$324,799 53
Bank Bonuses, viz:		
United States Bank,	$1,100,000 00	
Other Banks,	178,250 00	
		1,278,250 00
Canal and rail-road tolls,		1,300,000 00
Auction duties and commissions,		79,000 00
Collateral inheritance tax,		20,000 00
Real and personal property tax (outstanding),		65,000 00
Bank stock dividends,		165,000 00
Tax on bank dividends,		95,000 00

Turnpike, bridge, &c., dividends,	40,000 00
Land and land office fees,	65,000 00
Tax on writs,	25,000 00
Tavern licenses,	50,000 00
Store-keepers' licenses,	50,000 00
Tax on county offices,	5,000 00
Miscellaneous items,	7,100 00
Surplus Revenue—average of estimate of Secretary of the United States Treasury,	3,550,000 00
Total estimated receipts,	$7,119,149 53

Payments.

To Internal Improvement fund,	$500,000 00
Interest on Canal debt, salaries, &c.,	1,180,000 00
Motive power,	200,000 00
Expenses of government,	350,000 00
Common Schools,	320,000 00
Colleges, academies, &c.,	25,000 00
Interest on old State debt,	100,000 00
Turnpike roads and bridges,	30,662 63
Militia expenses,	22,000 00
Pensions and gratuities,	50,000 00
Penitentiaries,	24,950 00
House of refuge,	5,000 00
Convicts and fugitives,	2,000 00
Miscellaneous,	28,400 00
To which add proposed school appropriation, and increase of annual school appropriation, in the whole $600,000, but of which not more will probably be demanded in the year, than	450,000 00
Appropriations recommended by the Canal Commissioners to the Erie exten-	

sion, North Branch and Gettysburg rail road, ...	$1,080,000 00	
Appropriations to repairs damages locomotives, inclined plane, West Branch,	747,419 00	
		1,827,419 00
Deduct payments from receipts, ...		85,115,431 63
Probable balance at the end of the year,		82,003,717 90

It will thus be perceived, that a balance of not less than two millions of dollars will remain in the Treasury, on the 1st of November next, after discharging all just demands, and incurring every expense which the prosperity of the State requires.

With regard to the above estimated items of expenditure, it is proper that some further explanation should be given.

The sum ($500,000) payable to the Internal Improvement fund, is the balance of the appropriations to the public works, made by the last Legislature, and unexpended on the 31st of October last.

The interest of the State debt, until the happy process of reduction commence, is a fixed item and requires no comment.

The expense of motive power on rail roads ($200,000) will be met by at least an equal receipt into the Treasury, from motive power toll, the amount of which, according to former practice, is included in the estimated amount of toll from the public works.

The item of expenses of Government, includes the expenses of the approaching Convention to propose and submit to the people amendments of the State Constitution.

The first item of Common School expenses includes

one hundred and seventy-four thousand two hundred fifty-one dollars and fifty-nine cents, being the undrawn balances on the 1st of November last, of the annual appropriations for 1835 and 1836, of seventy-five thousand dollars each, and of the increased appropriation of two hundred thousand dollars, for the present school year (1837), which began on the first Monday of June last, and will terminate on the same day in 1837. The remaining sum, which makes up the gross sum, is the probable proportion of the present appropriation for the school year 1838, (which will commence in June, 1837), that will be paid within the present year.

On the items, turnpike roads and bridges, militia expenses, pensions and gratuities, colleges and academies, house of refuge (Philadelphia), interest on loans not pertaining to the Internal Improvement system, Penitentiaries, conveying convicts to Penitentiaries, and reclaiming from other states fugitives from justice, and the item "miscellaneous," which covers a great variety of small expenses, no further remark is necessary.

The second estimated expense of the School system is so much of the addition of one hundred thousand dollars to the annual appropriation, and the Schoolhouse fund of five hundred thousand dollars (recommended and explained in the former part of this message), as will probably be paid, if authorized, within the year, and does not now require further remark, except the expression of a fixed opinion that the system must derive additional and very considerable aid from the State, or be abandoned.

For a detailed account of the items which make up the gross sum estimated as necessary to carry on the public works, the General Assembly is referred to the Report of the Canal Commissioners. That document will show that this sum includes the whole expense of carrying on the new works, or unfinished lines of

canals and rail roads, and the expense of repairs, damages, avoiding incline planes, supervision, new work, fixtures and locomotives on old lines, forming in fact the whole expense of the system, except interest, during the coming year.

The sums recommended by the Board to be appropriated to the prosecution of new work on unfinished lines or extensions, appear to be proper and reasonable. The main line of communication from Philadelphia to Pittsburg is now complete, and has given the strongest evidence of being capable hereafter of relieving the Treasury from all danger of expenditure on that account. The present, therefore, appears to be the proper time for taking measures to complete and render productive the continuation of the main line to Lake Erie, and the extension heretofore commenced and abandoned.

The extension of the main line of canal to the harbor of Erie, has the strongest claims to the attention of the Legislature. This work will complete the original plan of a connexion between Philadelphia and Lake Erie, and will throw business upon the whole length of improvements between these points. Though the amount of local business upon this line will not be so great as upon other sections of canal, yet the profit to the State will be equal to any. This will be caused by the description of articles to be transported upon it. They will mainly be merchandize from the seaboard for the west and north west, to the early shipment of which, upon the lake, the harbor of Erie offers peculiar advantages; and the heavier articles of produce seeking an Atlantic market, for whose transportation this route to Philadelphia, composed as it chiefly will be of canal, presents the greatest facility.

But when we come to estimate the local improvement and enriching of that section of the Common-

wealth, which will be the inevitable result of the undertaking, the policy and profit of the work becomes obvious. Forty-five and a half miles were placed under contract last season. The sum recommended to be appropriated for the present year's work, is four hundred thousand dollars.

The North Branch canal, of which seventy-three and one-quarter miles have been for years completed, but upon which the tolls scarcely pay the expense of collection, to say nothing of interest and repairs, is destined to be one of the most important and beneficial lines in the State. Its continuance to the New York line, a part of which was authorized to be put under contract by the last Legislature, and junction with the works of that State, will open one of the most interesting and hitherto neglected portions of the Commonwealth. It will give vent northward to as great a quantity and variety of mineral and agricultural productions as will pass upon any other branch of the public works. By the completion of this canal from the mouth of the Lackawanna creek, in Luzerne county, to the State line, in Bradford county, access from the immense Lake country, to the North and West will be given to the inexhaustible bodies of Anthracite coal lying in the Wyoming and Lackawannock valleys. It will also convey to the northern and eastern market, the Bituminous coal of Bradford, Tioga and neighboring counties. Egress will be afforded to the iron of Northern Pennsylvania, while the immense and increasing products of the soil of that extensive grazing and farming region will find a ready and profitable market. If to this be added the increasing and valuable lumber trade, which has long formed nearly the sole support of that district, an amount of business will be found awaiting the completion of this work which puts an end to all doubt as to its profit and propriety. Nor is the export trade the only one

which will pour tolls upon the North Branch Canal. The transmission of limestone from point to point along its whole extent, and the importation from New York, of plaster and salt for the improvement of the land, and the convenience of its citizens, besides the amelioration of the condition of the people of the district, which of itself, is the very best effect of a public improvement, will swell almost beyond calculation the amount of remuneration to the Commonwealth for her maternal care.

Under the act of 18th February, 1836, the Canal Commissioners were directed to place not less than twenty nor more than forty of this extension under contract, commencing "at or near" the New York State line. After examining the proposed route through its whole length, and especially the region of country in the vicinity of the New York line, they concluded to commence the location not "at," but "near" it, viz: at Tioga point, about four miles in a straight line from the northern boundary of the State. The distance placed under contract is thirty five miles, terminating southwardly at Wyalusing, which, when completed, will bring the canal within reach of the north-eastern termination of the great Bituminous coal deposit of the State.

The determination to proceed no further north than Tioga point, was a wise one. At that point, the Susquehanna forks. The western prong, under the name of the Tioga and Chemung, points in a northwestern direction, into the State of New York, till it reaches Elmira, where it meets a canal of eighteen miles, possessing an inexhaustible supply of water, and connecting that place with Seneca Lake, which has a canal connection with the great New York canal and Lake Ontario. The eastern fork, retaining the name of the North Branch of the Susquehanna, points towards the north-east till it passes the town of Owego, in New

York, which place has a rail road connection with the thriving town of Ithaca, on the head of Cayuga Lake, the foot of which is also connected with the Erie canal and the great Lakes. Further on, the North Branch touches Binghamton, the point where it meets the Chenango canal, the direction of which is north-easterly to Ithaca on the Erie canal, and the length ninety-three miles.

These works may be said to be all completed, and only require a small amount of labour to connect them with the North Branch canal at Tioga. The distance from that point to Elmira, is about twenty miles, of which eight are in this State: to Oweg about twenty- and thence to Binghamton, twenty miles. The length of the Ithaca and Owego rail-way is twenty-nine miles.

A liberal policy, as well as a just regard for the best interests of the State, render it proper that every necessary facility should be afforded to the formation of a connection between these interesting improvements and our State works, through the North Branch. They all point to this State, and must depend for business upon the hitherto dormant riches of Northern Pennsylvania.

The whole distance from Tioga to the Lackawannock is eighty-nine miles. The appropriation recommended to prosecute the work already under contract, is four hundred thousand dollars.

The completion of the West Branch Division to the mouth of the Tangascootack, which will bring that important line a considerable distance within the Bituminous coal and the rich iron district of middle northern Pennsylvania, has been nearly provided for. The sum of thirty-three thousand nine hundred and forty-three dollars is estimated to be sufficient for this purpose. Its appropriation is recommended.

A survey was authorized by the last Legislature, to ascertain the practicability of connecting this Branch

of the Susquehanna, with the waters of the Allegheny, by means of a canal. An Engineer of high professional standing was appointed to that interesting duty. His report is not yet received. When made, it will be laid before the legislature, and should receive that attention which the vast importance of the formation of a continuous line of water communication, between the Delaware and Lake Erie, must always command.

It will be perceived that the Board recommend the appropriation of two hundred and eighty thousand dollars to the Gettysburg rail road. This improvement is intended to connect, westwardly, with the Baltimore and Ohio rail road and the Chesapeake and Ohio canal, and eastwardly, by means of the company road from Gettysburg to the Susquehanna, at Wrightsville, opposite Columbia, with the Philadelphia and Columbia rail road: Thus forming a continuous line of rail road communication through the heart of six of the southern counties of the State, and terminating at our Commercial Metropolis. The propriety of such a work, at a time when it can be prosecuted without increasing the public burthens, cannot remain a moment problematical, particularly when it is remembered that the counties to be benefited have heretofore derived no advantage from the State improvements.

One of the most important projects recommended by the Board, is that of doubling the locks on that part of the main line between Columbia and Duncan's island, and the re-building of the bridge over the Susquehanna, at the latter place. When it is recollected that this portion of canal will, at no very distant period, be the only channel of communication, southward of Duncan's island, for the main line, the Susquehanna Division to Northumberland, the North Branch and the West Branch, and Northward from Columbia, for the proposed canal from Columbia to

tide water on the Chesapeake, and that the whole trade of the Union Canal, whose locks should be so widened as to pass the boats of the Pennsylvania Canal, and a portion of that of the Pennsylvania Rail Road, the York and the Gettysburg Rail Roads, and Harrisburg and Lancaster and Cumberland Valley Rail Roads, will be thrown upon it, the measure becomes a matter of necessity.

In addition to the reasons for the work, arising from the vast increase of business which will take place on this part of the canal, the condition of the present locks should be taken into view. Many of them, owing to defective construction in the first instance, are now in a very unsafe state. If another set be forthwith placed beside them, the old ones can then be prepared without interrupting navigation; and thus, by the time that two sets will be required for public accommodation, both may be in complete order.

The re-building of the bridge at Duncan's Island, cannot, with safety to the public interests, be longer postponed. It is only surprizing that the present fabric has stood such a length of time. The appropriation recommended for these purposes, is ninety thousand dollars.

None of the other recommended appropriations require comment, except that for locomotive engines. This money will be due early next spring. Contracts for the purchase of twenty engines, adapted to the use of mineral coal for the generation of steam, have been made by the proper officers of the Columbia and Philadelphia railway, under authority of the resolution of 16th June last. That number it is supposed will, with those already owned by the State, afford sufficient power to accommodate the business of the next season.

For the present, it does not appear to me proper to

extend the State Improvements beyond what is contemplated by the appropriations just named. Our chief object should be the application of all our energies to the reduction of the State debt, and the expenditure of no more of our means in the construction of new works, than is absolutely necessary to render available and profitable the outlays already made and hitherto unproductive. If we can once effect even the smallest decrease of the debt, and reduction of the sum of interest, we will have completely stemmed the tide. The total extinction will then be the work of a very few years. By refraining from large expenditures to new works, for a short time, and husbanding our means in the interval for the payment of debt, we shall, in addition, accomplish two most desirable results. Public opinion, which is almost wholly turned against further extension, except in the sections immediately concerned, will be retained in favor of the system; and the final completion of the gigantic plan will be really hastened. This will evidently be the result of present moderation and economy; for, if the public see the real and regular decrease of debt, the system which produced it will cease to be odious; and instead of a few hundred thousand dollars more, which, with much straining of popular opinion, might now be appropriated, millions, from the regular and increasing resources of the State, will freely be given. By this spirit of unanimity, the same amount of work will be accomplished in two years which would require five years of Legislative management and Executive influence, if it ever could be effected by such means.

Among the estimated receipts into the Treasury during the present year, are the ordinary revenue of the State, the balance of bank bonuses and the U. S. Bank school money. These items are certain, and require no explanation.

The income of public works is estimated at thirteen hundred thousand dollars. I have no doubt but that, with a favorable season and judicious management, this sum will be received. If so, it may then be said that the State debt is extinguished; because a very small increase, the following year will produce a revenue equal to its interest, the cost of repairs, and the expense of supervision and collection. Every nerve will be strained during the approaching season, to accomplish this desirable object.

The last and most considerable item of income is that arising from the distribution of the National Surplus Revenue. Herewith are transmitted copies of the act of Congress, and of the correspondence with the Secretary of the Treasury of the United States upon the subject. From those documents it will be perceived that the immediate attention of the Legislature to the matter is required. Before the reception of the money can take place, an act of Assembly must be passed, prescribing the manner, and conferring upon the officer appointed to receive it, power to comply with the conditions required by Congress.

Permit me to recommend this important subject to your immediate consideration, and to advise that such a mode of transferring the sum which shall be due to this State, may be agreed upon, as will have the greatest tendency to avoid distress in the money market, or pressure upon any of the banks of the country consistently with the chartered rights of the Bank of Pennsylvania, and the direct interest which the State has in the welfare of that institution.

Having thus stated the probable demands upon the Treasury, and its means of meeting them, and shown that a large balance will remain at the disposal of the Legislature, it now only remains to ascertain the most proper and expedient use which shall be made of it.

It is long since Pennsylvania could boast of an unpledged balance in her Treasury. During the same

length of time, the chief cause of discontent among our citizens has been the existence and increase of the State debt. This fact points out the use to be made of the balance.

Every dictate of policy, wisdom and justice, demands its application—its instant application, to the payment of the debt. Of this there can be no doubt; but as to the manner of doing it, there is difference of opinion.

It has been suggested, that the balance remaining in the Treasury should be set apart as a sinking fund, for the gradual extinction of the State debt, with an express and solemn legislative declaration that it shall not be withdrawn from that purpose for any other, under any pretence whatever. To this project I am opposed, on the ground that it would be encumbering the fiscal operations of the government, which should be kept as simple and as intelligent as possible, with a complication of machinery and a confusion of accounts, only calculated to mistify and mislead investigation. The fund would be in the power of a future Legislature, and give rise to continual strifes and contests for its application to other objects: for no matter how solemnly it might be set apart and dedicated to this purpose at one session, the power of the next session being equal to that of the former, it might and probably would be diverted.

Others, again, advise the placing of the balance in some one or more of the State banks, to be used as a part of their business capital, and to yield to the Commonwealth the actual profit of the investment. This plan is proposed with the expectation that an interest would be obtained beyond that now paid on the State loans, and that in this way a profit would be realized to the extent of the difference. This proposition I cannot approve. All partnerships, either permanent or temporary, between Governments and

banks, are dangerous and pernicious. Banks are the creatures of the Government, and should continually be kept in their proper relative position. A partnership at once begets an undue influence, or the appearance of it, which is bad, by placing the parties upon a footing of equality. The effect of this would be the raising of the bank to an appearance of influence in the Government, or reducing the Government to a connection in all the affairs of the Bank; or, which is as disastrous, and of which there have been instances, producing a collision of interests and innumerable injurious to both, and ruinous to the community. Instead of creating a connexion of pecuniary interest between the State Government and any one or more of her banking institutions, all prudent measures should be adopted to avoid it, to the end that all may stand on a footing of perfect equality with regard to each other, and that the Legislature may continually exercise a wholesome and impartial control over them.

After much anxious thought upon the subject, I am most clearly of opinion that the balance of the Surplus Revenue coming to this State, should be forthwith and directly applied to the payment of so much of the State debt as it will cover. On reference to the loan acts, it will be perceived, that of the old State debt one hundred thousand dollars are redeemable on the 1st of May next, and the remainder, amounting to about one million seven hundred thousand dollars, at different periods in each year till 1st of June, 1841. Of the Improvement debt, the first three hundred thousand dollars became due on the 1st December, 1846. These combined sums make about the amount of the unexpended balance.

Let authority then be given to the State Treasurer, to pay off so much of the debt as is now, or will in the course of the year be redeemable: and to the Com-

missioners of the Internal Improvement fund to purchase in, at par value, and cancel the certificates of so much of the loans which shall first expire, as the remainder will cover. There is great demand at present for money, and the holders of certificates of the shorter loans, will, most probably be very willing to receive their money for other and more permanent investment.--The same plan has been adopted in the neighboring State of New York, with good effect.

This mode is simple, and will be easily understood and carried into practice. It is also consistent with the customs and feeling of our citizens. A true Pennsylvanian loves independence and dislikes debt. He can not be made to believe that there is a more proper or profitable use for money than the discharge of just claims upon him. He will tell one who makes such assertion, that the best purchase which can be effected with money, is the purchase of a receipt, which is at the same time the purchase of so much independence and peace of mind, and of increased ability for new exertion. This kind of independent reasoning and conduct has done much to achieve for us, as a people, the high character for honesty and punctuality which we enjoy. The intusion into our public dealings of the same spirit, will have a corresponding happy effect upon our public character.

The balance which will be in the Treasury at the close of the present financial year, is not the only means applicable to the reduction of the State debt. By the sixth section of the United States Bank charter act it is provided, "that the said corporation shall also, when required by law, advance on permanent loan, any sum or sums, not exceeding in the whole six millions of dollars, and for each sum of money so loaned, shall receive from the Commonwealth, a negotiable certificate of Stock, re-imbursable on the third day of March, one thousand eight hundred and sixty-

eight, transferable at the Bank of Pennsylvania, or such other place as the Legislature may hereafter designate, bearing an interest of either four or five per cent. per annum, payable half yearly, at the Bank of Pennsylvania, or such other place as the Legislature may hereafter designate, as the law requiring such loan may determine; and in case the interest shall be five per cent. shall pay to the Commonwealth one hundred and ten dollars in money for each hundred dollars of stock."

This provision having, with the rest of the act, been accepted by the stockholders, is binding on the Bank, and the benefit of it to the State is a part of the price agreed to be paid for the privileges granted. It is just and proper that it should be realized.

I therefore recommend that an act be passed, making it the duty of the Bank, in conformity with the provision just quoted, to loan to the Commonwealth, at such times as shall be designated by the proper authority, the sum of six millions of dollars, at four per cent. to be applied by the Commissioners of the Internal Improvement fund, to the purchasing in and cancelling of an equal amount of certificates of five per cent. State loan, at any price not exceeding one hundred dollars in money for one hundred dollars in stock.

By this operation, the interest of one million two hundred thousand dollars of the State debt will be extinguished for thirty-one years; or, which is the same, sixty thousand dollars, being the interest at five per cent. on that sum, will annually be saved to the State in the item of interest on our debt.

The loan at four per cent. without premium, is for the present preferable to that at five per cent. with a premium of ten dollars for every hundred, because the interest continuing on the latter the same as that now paid on the State debt the only present profit

would be the interest on the premiums, amounting at five per cent. to thirty thousand dollars annually.

These calculations are based upon the supposition that par value would be paid for the State stock. It may, however, possibly be obtained for less, and consequently the profit would be greater. At present, after deducting the proportion of interest due up to date, on the shorter State loans, their market price is something below par.

If these means for the reduction of the State debt be taken, viz: The payment of two million of dollars out of the Surplus Revenue, and the extinguishment of the interest on one million two hundred thousand dollars, by the United States Bank loan, at the commencement of next year, the Treasury will be relieved from the payment of the annual sum of one hundred and sixty thousand dollars, leaving the whole amount of interest payable annually, about one million fifty thousand dollars.

During that year, at a low estimate, the public works will yield one million six hundred thousand dollars, thus leaving a balance of over half a million, after discharging all current interest. Such a state of things would present, at the beginning of the following year (1838), full encouragement to prosecute with vigour the improvements of the State.

Fellow citizens, in thus fully stating my views of our financial condition, and the means by which its present prosperity may be continued and advanced, I have to the best of my ability, discharged the duty imposed upon me. It is now for you, who also represent the interests and honor of our common constituents, to act.

It is an evidence of the growing importance of this great Commonwealth, that her affairs engage so much attention in all quarters, even in foreign countries. If the observation directed to her from abroad were

in a spirit of kindness, or even common justice, and within the limits which mutual respect and courtesy usually assign to interference in the affairs of others, it might be regarded with composure, if not satisfaction. But I regret to say, that no such restraint is attended to. All sorts of combatants, including high officers of the government of the United States, and even hireling editors in foreign countries, have entered into our proper State questions. While they assume to dictate to us what we shall do, it has been ascertained that they make a war of calumny upon the Legislature and its acts, and upon our whole character, credit and resources. This intervention of foreign auxiliaries is the more striking, since the aid of a press in London has been especially employed to destroy the confidence of capitalists in the integrity of Pennsylvania, and the solidity of her institutions; as if with a settled design to shake her credit in the chief money market of the world, where it has hitherto stood above suspicion.

Whether these foreign intermeddlings, which threaten us at once with the power of the highest officers of the General Government, and the new ally of a British Press, be owing to a jealousy of the growing greatness of Pennsylvania, to personal feelings and views, regardless of patriotic considerations, to party plans and objects, to a desire to strip our State of her advantages, that they may be transferred elsewhere, or to the combined operations of all these motives, they are equally deserving of emphatic reprobation. There is no example, it is believed, of such a license in the history of any other State of the Union. It is derogatory in the highest degree to submit to it. It is impossible to say whether this combined attack on our credit and institutions, has been for the purposes of pecuniary speculation, or whether there has been a secret and mysterious chain of communi-

cation, by means of which these hailing signs of evil import have been simultaneously exhibited at such different and distant places, without seeming concert, but with obviously certain intelligence among the initiated. Let the process be what it may, Pennsylvania owes it to herself to rebuke it.

In addition to the open expression of her indignation, the offer to redeem eight millions of her debt within one year, and at par value, will be a sufficient pledge to her creditors of her ample solvency.

The Militia System presents a very important and interesting subject for Legislative deliberation. I am not among those who judge of its usefulness or efficiency from the motley appearance of a regiment at May parade. It must be borne in mind, that all warlike movements in time of peace have, more or less of an unnecessary, if not ridiculous appearance. It is only when the stern note of the war-drum calls men to defend their homes and kindred, that military parade assumes the character of sad necessity. On such occasions, during the revolution at Quebec, Trenton and Germantown, and more recently Chippewa and Bridgewater, the militia of Pennsylvania proved that they were not mere "summer soldiers."

Though the Militia System is thus not a system for a period of peace, but of war, and therefore not to be ridiculed for the effect of that peace upon it, which its existence secures to us, it should nevertheless be as nearly adapted to peaceful times as is consistent with an instant and continued preparedness for service. I therefore suggest the propriety of so amending the law for regulating parades, that all useless waste of time and money may be avoided.

A general and thorough Geological Mineralogical examination of the State was authorized by the last Legislature. The performance of that difficult and important duty has been entrusted to Professor Henry

D. Rogers, of the University of Pennsylvania. A gentleman whose high literary and scientific attainments, and character for industry and intelligence, give the best pledge of his capability. He has been engaged in the preparatory steps of the survey, during the past season, and has examined in detail, portions of several counties, as will appear by his report, which will shortly be laid before you.

No State in the Union presents stronger inducement, in a mineralogical point of view, to the man of science, or judicious capitalists, than our own. But it is not from the amount of actual wealth which the present survey will undoubtedly bring to light, that the community will derive its best benefit. The removal of the uncertainty which now exists in many quarters, relative to the existence of iron ore, coal and other metals and minerals, and the consequent diminution of wild and unfounded speculation and expense, will be invaluable in its effects upon our morals and business habits as a people. Even to the owner of soil said to cover hidden treasures, the best event, next to its discoverey, is the instant dissipation of the delusion. His former regular and productive pursuits will, in the latter case, be resumed, and society saved from the probable loss of his usefulness.

The duties enjoined upon the Executive by the "act to fix the standards and denominations of measures and weights," passed 15th of April, 1834, have not yet been performed. A correspondence was opened with the Franklin Institute on the subject, during the late administration, and has since been continued. It is hoped that through the agency of that Institution, the necessary standards may yet be procured within the time limited by the act of Assembly, and deposited in the office of the Secretary of the Commonwealth, and duplicates of them delivered to the

Commissioners of each county, to be used for the purposes prescribed.

I have thus called your attention to the different points that occurred to me as deserving notice. Many, no doubt, are omitted, which it will afford me pleasure hereafter to communicate, or to act on whenever suggested by the General Assembly. I shall at all times be prepared to concur in promoting every measure conducive to the common good, and have full confidence of being met in the same spirit. Nothing so much tends to promote the usefulness of government, as harmony among its different departments; nor is there any means of avoiding collisions, so certain, as a free and candid interchange of views, and the distinct and separate statement for adoption of each measure requiring joint action. It has been, and will be my endeavor so to act. The hope is entertained that a similar line of conduct will be adopted by the Legislature.

The practice, so common of late, of presenting for Executive approbation, many and wholly distinct subjects in the same bill, is calculated unnecessarily to produce collision, and sometimes to defeat measures admitted by all to be right. Two propositions may be in the same bill as presented to the Executive; one of unquestioned propriety, and the other of such a nature as to render his approval impossible. In such cases, the former must fall with the latter (unless both be adopted by the constitutional power of two-thirds), on the ground that a proper measure, though for the present defeated, may easily be restored, whereas, a wrong step, once taken, is, in most cases irretrievable. An instance occurred during the last session of the Legislature. Portions of a compound bill of this kind, were of such a nature as to render the refusal to sign imperative, but with them were defeated, other and distinct enactments of sufficient propriety to justify their approval under other circumstances.

The Constitution, when it conferred the power of disapproval, evidently intended that every measure of legislation should be so presented, as that each might receive for and by itself, the necessary action. Otherwise, by going to the opposite extreme, legislation might take such a form as to impose upon the Executive, the unpleasant alternative, either of sanctioning a measure clearly unconstituional and improper, or of defeating, with it, a bill of the utmost importance to the welfare of the State.

In closing my remarks, I cannot forbear the expression of gratitude to the Supreme Ruler of the Universe, for the peace, healthfulness and prosperity, which has blessed us as a people, during the past year. A partial failure of the wheat crop occurred in some counties of the State, but the wise ordering of Providence, by increasing the produce of other crops, has obviated the danger of want. The season, on the whole, has been a plentiful and profitable one for the farmer and man of business. There will, it is feared, be distress during the winter, among those whose means or foresight did not enable them to provide for its many wants; but their necessities, it is confidently believed, will not be seen in vain by their more fortunate fellow citizens.

It formed the most delightful part of my official duty, during the summer, to visit many of the counties, and examine nearly the whole length of the public works. The Commonwealth was found to be filled with a happy and flourishing population, and the lines of improvement intended for their accommodation, appeared to be under as good management, and in as perfect repair as a concern so extensive and complicated would admit.

In this attempt to acquire a more full knowledge of the character and wants of a community, whose dearest interests have been, in a measure, committed to

my care, I beheld much to be proud of as a Pennsylvanian, and to warm the heart as a man.

In no part of the State, was this more the case than in Philadelphia. I allude not to the commercial prosperity and increasing trade of that growing and busy city. These she only enjoys in common with, and as the consequence of those of the rest of the Commonwealth. But to the noble institutions which reflect so much credit on her citizens. A great city is said to be a great evil. But he who spends a week in her hospitals, her alms houses, her schools and her colleges, her deaf and dumb, and blind, and widows' and orphans' asylums; her house of refuge for young and destitute offenders, and her penitentiaries for the reformation, as well as punishment of old culprits, will confess that her portion of evil is, as far as human exertion can accomplish it, amply redeemed.

But when the mind passes over the whole State, and looks from what Pennsylvania is, to what she may become, the prospect is in the highest degree cheering. Cultivate her mental energies, guard her morals, render the laws supreme over all, develop her physical resources, and sustain her just rights and long cherished principles, and she will continue, no matter what pressure is placed upon it, what she long has been called, the Keystone of the Federal Arch. She seeks no leading place—no undue prominence in the national band; but if her sons betray her not, her moral solidity, her numbers, her wealth, and her power, will always from the strongest bond of that union which she loves to support.

JOSEPH RITNER.

Executive Chamber, Harrisburg, Dec. 6, 1836.

To the Senate with Documents from the Board of Canal Commissioners Proposing the Substitution of Steam Power at a Certain Point with a Comment on Humanity to Animals.

Executive Chamber,
Harrisburg, Jan. 16, 1837.

Sir:

HEREWITH IS TRANSMITTED A COMMUNICation from the Board of Canal Commissioners, accompanied with documents relating to a proposition, to substitute steam for horse power, on the level of the Philadelphia rail-way, between the city and the foot of the Schuylkill inclined plane.

Permit me to recommend the subject to the early and favorable attention of the Legislature. It appears to me, that the interests of the State and her citizens, engaged in the business of transportation require the change. The feelings of humanity also demand that the substitution should be made. It is exceedingly difficult, even with the best system of regulation, to prevent the abuse of the animals employed on this portion of the road. Happily, these reasons for the measure are strengthened by the comparative statement of the two kinds of powers, which will be found in the accompanying report of the Superintendent of Transportation.

JOS. RITNER.

[DOCUMENTS OMITTED.]

Proclamation Announcing the Election of Delegates to the Constitutional Convention of 1838.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas it is provided in and by an Act of the General assembly of this Commonwealth, entitled "An Act providing for the call of a Convention to propose amendments to the constitution of the State to be submitted to the people thereof for their ratification or rejection," passed the twenty ninth day of March, Anno Domini one thousand eight hundred and thirty-six, that it shall be the duty of the Secretary of the Commonwealth, on receiving the returns of the election, held on the first Friday in November last, for delegates to the said convention from the respective sheriffs, to submit the same to the Governor, who upon summing up and ascertaining the number of votes given for each and every person so returned as voted for as delegate, shall thereupon declare, by proclamation, the names of the persons duly chosen and elected delegates to the Convention: And Whereas it appears by the returns received as aforesaid, that the names of the persons duly chosen and elected delegates to the said Convention are as follows, viz: Thaddeus Stevens, James McSherry, Walter Forward, Matthew, Hender-

son, H. G. Rogers, Andrew Bayne, Harmar Denny, William Ayres, William Curll, John Dickey, Daniel Agnew, John Clark, Jacob Barndollar, Andrew J. Kline, James M. Russel, John Ritter, George M. Keim, James Donegan, William High, Mark Darragh, Nathaniel Clapp, Almon H. Read, E. T. McDowell, John Houpt, Samuel Carey, Phineas Jenks, Samuel A. Purviance, William Smyth, William Darlington, Morgan J. Thomas, Matthias Pennypacker, John Chandler, Ezra S. Hayhurst, George Smith, David M. Farrelly, George Shellits, Daniel Saeger, Richard M. Crain, David Nevin, William Clark, William Henderson, Jacob B. Weidman, George Serrill, Thomas H. Sill, James Pollock, William L. Miller, David Gilmore, John Fuller, George Chambers, Joseph Snively, James Dunlop, Levi Merkle, Samuel Cleavinger, Samuel Royer, Cornelius Crum, James Todd, James Clark, Thomas Hastings, Orlo J. Hamlin, Dan Caldwell, Ephraim Banks, John Cummin, Jeremiah Brown, Lindley Coates, Richard E. Cochran, Joseph Konigmacher, Henry G. Long, Emanuel C. Reigart, William Heister, Charles A. Barnitz, James Porter, George Seltzer, Jacob Dillinger, Joseph Fry, Jun., William Brown, William Swetland, Andrew Bedford, George W. Woodward, John A. Gamble, Thomas Taggart, Robert Fleming, Thomas S. Cunningham, James Montgomery, John B. Sterigere, Joel K. Mann, Tobias Sellers, Thomas S. Bell, David Lyons, Henry Sheetz, James M. Porter, James Kennedy, William Overfield, William Gearhart, Alexander Magee, William P. MaClay, James Merrill, John Sergeant, James C. Biddle, William M. Meredith, Joseph Hopkinson, Thomas J. Cope, Charles Chauncey, John M. Scott, Matthias W. Baldwin, Joseph R. Chandler, Charles J. Ingersoll, Joseph M. Doran, Thomas Earle, Thomas Weaver, Abraham Helfenstein, Charles Brown, Peirce Butler, John J. McCahen, George W. Riter, John Foulkrod, Benjamin Martin,

Robert G. White, Jacob Krebs, Joshua F. Cox, Robert Young, Jabez Hyde, Christian Myers, Joshua Dickerson, Thomas McCall, Walter Craig, Aaron Kerr George L. Crawford, John G. Barclay, Lebbeus L Bigelow, Virgil Grenell, Samuel C. Bonham, Jacob Stickel, and John R. Donnell.

Now therefore I have issued this proclamation, declaring those above written to be the names of the persons duly chosen and elected delegates to the said Convention, agreeably to the aforesaid Act of the General Assembly of this Commonwealth.

Given under my hand and the Great Seal of the State at Harrisburg this nineteenth day of January in the year of our Lord one thousand eight hundred and thirty seven and of the Commonwealth the sixty first.

By the Governor,
Tho. Burrowes,
Secretary of the Commonwealth.

To the Senate Concerning the Extension of the Franking Privilege.

Executive Department,
Harrisburg, Jan. 27th, 1837.

Sir:

I HAVE RECEIVED FROM THE GOVERNOR OF Maryland, and herewith transmit for the use of the Senate, a copy of certain resolutions of the Legislature of that State, relative to an increase of the franking privilege.

In thus complying with the request of the Executive and Legislature of Maryland, permit me to bring to the attention of the Senate, the propriety of taking measures to procure the extension of the privilege

in question, to all common school letters. No subject has a fairer claim on the fostering care of the General Government. If it is proper to promote the diffusion of knowledge in the department of newspapers and other periodicals, there can be no objection against facilitating the operations of that kind of instruction, which lies at the foundation of all learning. The annual postage of the common school system in the Department of State, now amounts to not less than one thousand dollars, and will increase.

JOS. RITNER.

[DOCUMENTS OMITTED.]

To the Senate Concerning Certain Improvements Recommended by the Canal Commissioners.

Executive Department,
Harrisburg, Feb. 6, 1837.

Sir:

I HEREWITH TRANSMIT A COMMUNICATION of the Board of Canal Commissioners, accompanied with the documents therein named, for the consideration of the Senate.

The one, is an estimate of the cost of construction of the proposed bridge over the Susquehanna, at Duncan's Island, by the proper Engineer. Permit me to recommend the making of the necessary appropriation, to your early attention. If prompt measures be now taken, it is hoped that the bridge may be completed for use, by the spring of 1838.

The other document, is the report of the Engineer, appointed to ascertain the practicability of avoiding the Schuylkill inclined plane of the Columbia and Philadelphia Rail road. It appears to me that some further and more rigid examination should be made of the ground in that neighborhood, for the discovery

of a shorter and cheaper route, before the expenditure of a million, or a million and a half of dollars, is authorized, to accomplish the object in view, if so great an expense should be at all incurred, which, to my mind, is very doubtful.

JOS. RITNER.

[DOCUMENTS OMITTED.]

Proclamation of Reward for the Apprehension of James Purcel, of Centre County, charged with the Murder of Thomas Casey.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that a certain James Purcel, late of Centre County, in the said Commonwealth, stands charged with having feloniously killed and murdered a certain Thomas Casey, of the Township of Bald Eagle, in the County aforesaid, on the thirteenth day of February, instant, at or about the hour of two o'clock in the afternoon, and having fled from justice, all efforts to arrest him by the officers of justice have hitherto proved ineffectual; And Whereas, the reputation of the government, the peace and security of its citizens, and the

obligations of justice and humanity require that the perpetrator of an offence so heinous, should be brought to speedy and condign punishment; I have therefore thought proper to issue this proclamation, hereby offering a reward of one hundred dollars to any person or persons who shall apprehend the said fugitive within the county of Centre, and secure him in the jail of the said county; and the sum of two hundred dollars, if the said offender shall be apprehended and secured in the jail of any other county of this commonwealth, or if he shall be apprehended and secured without the limits of the state. Which sum will be paid on the conviction of the perpetrator of the crime aforesaid. And all judges, justices, sheriffs, coroners, constables and other officers within this commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alleged perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and thirty-seven, and of the commonwealth the sixty-first.

By the Governor,

Tho. H. Burrowes,

Secretary of the Commonwealth.

Said Purcel is about five feet ten inches in height, thick set, round, full face, a little freckled, dark hair, dark eyes, from twenty-two to twenty-five years old; lively in his actions, answers quick, has a dimple on his chin. Is an Irishman; has been employed on the North and West Branch and Chesapeake and Delaware canals.

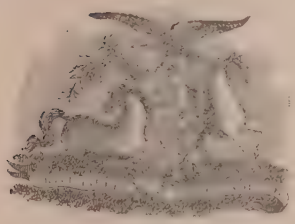
Proclamation of Reward for the Apprehension of Martin Loyer, Henry Loyer, John Lupton, and George Newton, charged with Rape.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. **By JOSEPH RITNER, Governor of the said Commonwealth.**

A PROCLAMATION.



Whereas, I have received authentic information that on Monday night, the twentieth of February, 1837, Martin Loyer, Henry Loyer, John Lupton and George Morton, all late or now of the Borough of Harrisburg, in the said Commonwealth, did upon the said Monday night within the limits of the said Borough feloniously ravish and carnally know a certain Mary Ann Kidman against her will, and having fled from justice, all efforts to arrest them by the officers of Justice have hitherto proved ineffectual; And Whereas, the reputation of the government, the peace and security of its citizens and the obligations of justice and humanity require that the perpetrators of an offence so heinous, should be brought to speedy and condign punishment. I have therefore thought proper to issue this proclamation, hereby offering a reward of One Hundred Dollars, to any person or persons who shall apprehend each or either of the said fugitives and secure them in the jail of any county in this State; and the sum of two hundred dollars for each or either of

them, if the said offenders shall be apprehended and secured without the limits of this state; which sum will be paid on the conviction of the perpetrator or perpetrators of the crime aforesaid. And all Judges, Justices, Sheriffs, Coroners, Constables, and other officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after, and bringing to Justice the alleged perpetrators of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-eighth day of February, in the year of our Lord one thousand eight hundred and thirty-seven, and of the Commonwealth the sixty-first.

By the Governor.

Tho. H. Burrowes,

Sec'y of the Common'th.

Henry Loyer is about 23 years of age, about six feet high, dark hair, large mouth, ruddy complexion, and stoop-shouldered—a butcher by trade, and very intemperate.

Martin Loyer about 5 feet 8 inches high, dark hair, thick set; a butcher and painter by trade; about 19 or 20 years of age.

John Lupton alias English, an Englishman by birth, about 21 years of age, light complexion, rather pale, heavy made, had on a Green Cassinet roundabout.

George Morton, about 18 or 20 years of age, about 5 feet 8 in. high, had on a pair of striped Cassinet pantaloons and blue roundabout.

To the Senate Transmitting a Letter from the President and Manager of the West Philadelphia Railroad Company, with Comments Thereon.

Executive Department,
Harrisburg, March 4, 1837.

Sir:

HEREWITH IS TRANSMITTED FOR THE USE of the Legislature, a communication from the President and Managers of the West Philadelphia Rail Road Company, in relation to the report of Henry R Campbell, on the avoidance of the Schuylkill inclined plane, of the Philadelphia and Columbia rail-road.

The document points out certain omissions to comply with the terms of the resolution, which authorized the survey, and discrepancies between the report and former statements, made by the same Engineer, while in the employ of the company.

When the report of Mr. Campbell, to the Canal Commissioners, was laid before the Legislature, a short time ago, I took occasion to suggest the propriety of authorizing a further and more rigid examination of the country in the vicinity of the plane, before any work should be commenced. I was led to do so, from the vagueness of the report, and by the impression which I still entertain, that a shorter and cheaper route might be discovered, than any which it describes.

Permit me to reiterate the recommendation, and to say, that, tho' no time should be lost in accomplishing the avoidance of the inclined plane, yet, it should not be undertaken upon a survey and report, over which hangs the slightest shadow of doubt.

The appointment of Mr. Campbell, to the duty in the first instance, appears to have been proper, he having, at the time, the charge of a company road on each side of that portion of the State road, viz: The

Valley road and the West Philadelphia Rail Road, from which, the conclusions were natural, that the survey could be made with greater ease and experience by him, than any other Engineer; but circumstances which have since transpired, render it proper both in justice to the public and Mr. Campbell, that a re-examination should take place, of the whole ground, by an officer entirely disconnected from the feelings and interests of the section of the country concerned, before the State is embarked in this work.

JOS. RITNER.

[DOCUMENTS OMITTED.]

Proclamation of the Election of a Delegate to fill a Vacancy in the Constitutional Convention of 1838.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, in pursuance of an Act of the General Assembly of this Commonwealth, entitled "An Act supplementary to an Act entitled 'An Act providing for the call of a convention to propose amendments to the Constitution of the State to be submitted to the people thereof for their ratification or rejection,' passed the

twenty-ninth day of March, one thousand eight hundred and thirty six," an election was held on the seventeenth instant in the counties of Union, Mifflin and Juniata for the choice of a delegate to said Convention to supply the vacancy created by the death of Dan Caldwell, late a delegate-elect for said district: And Whereas, the said Act provides that "it shall be the duty of the Secretary of the Commonwealth on receiving the returns of the said election to submit the same to the Governor who upon summing up and ascertaining the number of votes given for each and every person so returned as voted for as delegate, shall thereupon declare by proclamation the name of the person duly chosen and elected a delegate to the Convention to supply the vacancy aforesaid": And Whereas, it appears by the returns received as aforesaid that the name of the person duly chosen and elected a delegate to supply the said vacancy is William L. Harris: Now Therefore, I have issued this proclamation declaring William L. Harris to be the name of the person duly chosen and elected a delegate to the said Convention to supply the vacancy aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg this twenty-ninth day of March, in the year of our Lord one thousand eight hundred and thirty-seven, and of the Commonwealth the sixty-first.

By the Governor,

Tho. H. Burrowes,

Sec. of the Commonwealth.

Proclamation with Reference to the Financial Situation of 1837.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas the general suspension of the payment of gold and silver for their notes, by the Banks of the country presents a crisis in our pecuniary affairs which demands the most serious consideration. And Whereas, it has been represented to me, by many citizens, that the Legislature should be convened at an early period, or that some other measure should be adopted, to allay the uneasiness which pervades the public mind, and to obtain relief under the sudden embarrassment that has fallen upon us: Therefore, I have thought it right to issue this Proclamation for the purpose of declaring among other things that upon mature deliberation, I have come to the conclusion, that it is inexpedient for the present to convoke the Legislature: Because the evils under which the good people of this Commonwealth labor, have not been produced by the action of the Government of this State, but mainly by the unnecessary and unauthorized action of the General Government with the currency and monied transactions of the country: And therefore the constituted authorities of Pennsylvania

cannot now, by any active measure arrest or materially mitigate the misfortune. Relief must come from the same source with the inquiry: Because, all the measures which have been proposed to be adopted by the State Legislature to meet the emergency, would, in my opinion, rather increase than diminish the real difficulties of our condition. Authority to the Banks to issue notes of denominations less than $5 would be the infliction of a great permanent evil, to alleviate a temporary embarrassment, and would only be the substitution of the lower denominations of a circulating medium for the higher denominations of the same, without withdrawing any of the latter from circulation, or giving to the one any stronger claims on public confidence than the other, thereby increasing the aggregate amount of Bank notes without increasing the amount of the specie or property represented, and thus inevitably depreciating the actual value of the existing representative currency. The passage of a law to save the forfeiture of the charters to which the Banks will become subject by continuing to refuse specie for their notes would only increase and render more lasting the mischief. The instant result, would in all probability, be a vast and ruinous increase of the Bank note circulations, a correspondent diminution of its real value, a dangerous facility of obtaining bank loans, a sudden rise in the nominal value of all kinds of property, a further increase of the mad spirit of speculation and finally, the incurring of a real amount of debt which must afterwards be paid in hard money—dollar for dollar—to the ruin of thousands. The passage of a law for the stay of execution in case of debt, besides aggravating the evils just named, would accustom our citizens to a disregard for the obligations of law and for punctuality in their dealings, and would beget a familiarity with the dependence of indebtedness wholly incon-

sistent with the character of Pennsylvania citizens. For these reasons I deem it inexpedient for the present to convene the Legislature. The main object, then, of this Proclamation, is to address the patriotism, the good sense and the interest of the citizens who direct the different Banks of the Commonwealth, in their hands are placed by this strange and sudden catastrophe, to a great extent the present control of our prosperity. But fortunately for the community, the forfeiture or confirmation of the charters of those institutions will depend upon the estimate which public opinion for the next six months, will form of the use which shall be made of the power which circumstances have thus given; if a reckless pursuit of profit and a disregard for the welfare of society should lead to a sudden and injurious increase of bank issues, the next meeting of the representatives of an injured community will undoubtedly visit the full penalty of the law on the faithless agents. If, on the other hand, an honest and patriotic application of the power now possessed by them shall prevent the apprehended evils, and shall at the earliest possible period, restore the currency to its recently healthy condition, acts under other circumstances unlawful, but thus proved to have been compelled only by urgent necessity, and thus followed by no sinister perversion of power, will beyond a doubt be confirmed. To effect this desirable and just result no exertions will be spared by the Executive, at the proper juncture. In the mean time, I shall take care, through the power vested in the Auditor General, to keep the public and the Legislature when it shall meet, informed of the amount of issues and of the other transactions of the Bank should, after the suspension of specie payments, increase the amount of its notes in circulation, it will be most important the people's representatives, who will have before them the question of annulling or

confirming the Charters, should be aware of the fact. And finally, it is the object of this Proclamation, solemnly to call upon every citizen in the name of his own and the public good, to sustain the honor and credit of the State and of her institutions at the present crisis. Let prudence and firmness be exerted by each in his own sphere and there is no danger. The Banks are believed to be abundantly able to meet all their liabilities. The only danger is to be found in rashness and excitement. It is evident that the present difficulty does not arise from any great inherent defect in our currency, but from an error in its management. The National Government, with an unparalleled surplus of means cannot pay its debts in the legal currency of the country; our own State, with unfailing resources and increased facilities to promote and accommodate internal trade and business is disappointed in her reasonable expectation of an increase in the income of her public works over that of last year. Our farmers, mechanics, manufacturers and merchants, in the full tide of profitable industry and enterprise, are suddenly paralyzed in all their efforts, and the whole machinery of busy life stands still, without pestilence, dearth or war, or the agency of any other great domestic calamity, which usually produces such results. It must therefore be that some error in the management of that currency built on the mutual confidence which heretofore raised our country to unparalleled prosperity, has produced the present momentary stagnation; it will also be found that the intelligence and patriotism of American citizens will soon discover and apply the remedy, and that the error will be retrieved; nothing is required; nothing is in the power of Pennsylvania but steady coolness during the emergency. The occasion will not be without its good effects, among which will be the opportunity, presented to the next Legislature,

to impose upon our banking system such guards and restrictions as present experience will point out for the benefit of the future; in the meantime let the Banks go on steadily without oppressing their debtors or seeking undue profit to themselves by increasing their notes in circulation, and let a general and generous confidence in the solvency of the Banks be cherished by the citizens, and all will be well.

Given under my hand and the Great Seal of the State at Harrisburg this twentieth day of May, in the year of our Lord, one thousand eight hundred and thirty-seven, and of the Commonwealth the Sixty-first.

By the Governor.

Tho. H. Burrowes,

Sec. of the Commonwealth.

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*Proclamation of Reward for the Apprehension of John Rox charged with the Murder of Patrick Kelly.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

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*PETITIONS FOR THE ISSUE OF THE PROCLAMATION.

Philadelphia, August 26th, 1837.

To His Excellency, Joseph Ritner, Esq., Gov'r, Penn'a:

Dear Sir:

On the morning of the 24th Inst. an Inquest was held on the Body of Patrick Kelly, white man, aged about 45 or 50 years, residing in the District of Kensington, County of Philadelphia. It appears on Evidence before the Coroners Jury that on the night of the 23rd inst. the Deceased was met in one of the streets in Kensington by a man by the name of John Rox and by the said John Rox assaulted with a club or some other instrument and by the Blows received from said Rox, the Deceased had his Scull

A PROCLAMATION.

Whereas I have received authentic information that on the night of the twenty-third of August last, a certain Patrick Kelly, white man, aged about 45 or 50 years, residing in the district of Kensington, in the county of Philadelphia, was met in one of the streets in the said district by a certain John Rox, of Ken-

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Fractured and his Body much injured—thereby causing Death—the said Patrick Kelly lived till the following morning and expired.

An Inquest was held on the Body and the Coroner's Jury Brought in the Following Verdict: That the said Patrick Kelly came to his Death by Blows inflicted upon his head with a club or some other instrument by a person by the name of John Rox, said Rox lives in Kensington. John Rox is represented to me as a Dangerous and wicked man, and that the assault made by Rox on the person of Kelly was without provocation on the part of Kelly. I have thereupon thought it my duty to inform your Excellency of this unfortunate transaction, and whether it would not be proper for you to offer a suitable reward for the apprehension of the said John Rox and Bringing him to public Justice.

I have spoken to the Mayor of Philadelphia and he told me as the affair took place in the County he was not at liberty to offer a reward.

I then spoke to the Mayor of the Northern Liberty and was told by his Honour that he had not Funds for the purpose of offering a reward. In consequence I have thought proper to address you this Letter for your consideration. John Rox is about forty years of age, six feet high, stout made, Light complexion, Expression and Speech Quick, and is a man of some property say about $6,000 worth.

Very respectfully Yours,
JAMES GREGORY,
Coroner, City and County, Philadelphia.

Philadelphia, Sep'r 28th, 1837.

To his Excellency, Joseph Ritner, Esq.:
Dear Sir:

Your Letter of 28th came duly to hand and I deferred to answer it till now for the purpose of getting more Information on the Subject. Yesterday, Mr. Daniel Fitler and some other gentlemen was at my house (they were citizens of Kensington) and I asked Mr. Fitler what was the general character of John Rox—he made answer that Rox was a Dangerous man—and that he had killed two men previous to the killing of Patrick Kelly, and that the citizens of the District of Kensington was very anxious that a reward should be offered for the apprehension of Rox,, who is now and has been since the Deed was done a Fugitive from Justice. I was informed by one of the constables of Kensington that Rox was pursued as far as Easton, Penn., and then lost sight of. Mr. Fitler told me yesterday that about two weeks ago Rox was seen about the neighborhood of his own house. I was told that the officers have made some Exertions to arrest said Rox and that the fees of office are not adequate to the Duty and Expense that they have been at. The Evidence in the Coroner's Jury was Positive that John Rox struck the Blow and that the Blow was given without Provocation, and caused the Death of said Patrick Kelly. The Verdict of the Jury was: that the said

sington, aforesaid; that the said John Rox then and there inflicted blows with a club or other instrument on the head and body of the said Patrick Kelly, which caused the death of the said Patrick Kelly on the following morning; and that the said John Rox is still at large and having fled from justice, all efforts to arrest him by the officers of justice have hitherto proved ineffectual; And Whereas, the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrators of an offence so heinous, should be brought to speedy and condign punishment: I have therefore thought proper to issue this proclamation, hereby offering a reward of One hundred dollars to any person or persons who shall apprehend the said fugitive and secure him in the jail of any county in this Commonwealth and the sum of two hundred dollars if he shall be apprehended and secured without the limits of this State; which sum will be paid on the conviction of the perpetrator of the crime aforesaid. And all judges, justices, sheriffs, coroners, constables and other officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alleged perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-seventh day of September, in the year of our Lord one thousand eight

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Patrick Kelly came to his Death by a Blow or Blows Inflicted by one John Rox with an Instrument supposed to be of wood. It appeared that Kelly and Rox had been in company and had a few words, that Rox went home or to some other place and came back in about twelve minutes, came up to Kelly and struck him, the said Kelly over the head (thought by some persons to have been an axe handle). This took place in the evening and Kelly died the next day. I have been repeatedly asked why a reward has not been offered and have given for an answer that the Governor was from Harrisburg on a tour of Inspection, and I presumed did not get my Letter on the Subject.

For the Description of the person of Rox, please see my former Letter.

Very respectfully,

Your Friend

JAMES GREGORY, Coroner.

hundred and thirty-seven, and of the Commonwealth the sixty-second.

By the Governor.

J. Wallace,

Deputy Secretary of the Commonwealth.

N. B. Description—John Rox is about forty years of age; six feet high, stout made, light complexion, and quick of speech and expression.

Annual Message to the Assembly—1837.

Fellow Citizens:

IN COMMUNICATING TO THE LEGISLATURE the general condition of the Commonwealth during the past year, it is my grateful duty to acknowledge that throughout all its changes the wise guardianship of a merciful Providence has been visibly extended over us as a people. The designs of man's short sighted, but boasted wisdom, have sown distrust and ruin wide over the land; but in Pennsylvania the restraining care of the Ruler of nations has still been at hand to mitigate the evil. While want of confidence and of employment, and a consequent general stagnation of business, were prostrating the energies of the Union, our crops grew and were matured in abundance—our citizens were generally employed and remunerated for their labor—our enterprises, public and private, if not quite so successful as was anticipated, have neither failed entirely nor materially retrograded, and good order, health and happiness, have blessed the State. The evils under which others groaned fell lightly on us, and have, it is hoped, already accomplished their worst. Our grat-

itude should therefore be deep and publicly acknowledged.

In performing the duty now before me, it would be criminal to treat lightly, or even for a moment postpone, the subject which absorbs the attention of all. With the public mind sensitively aroused to it, the proper treatment of any matter becomes extremely difficult. But when the delicate subject of the currency is the one thus circumstanced, the difficulty is greatly enhanced. Still, a sincere desire and a firm determination, to consult alone the good of the country, will lead the patriot through every difficulty and enable him to accomplish much that at first view appeared hopeless. In this spirit permit me to invoke the co-operation of the Legislature in devising and adopting whatever may be found within the province of our power for the relief of the community.

The distinctive characteristic of the present century is an enlarged degree of civil liberty, coupled with a liberal and all-pervading commerce. In the early and less civilized ages, man subsisted in the products of the chase—the flock and herd—or the ground around his dwelling, and required little intercourse with his neighbor. A later race next sprung up, who, spurning the peaceful and obscure avocations of their ancestors, made the sword and the bow yield the means of gratifying their new and increasing wants, in the midst of whose incessant broils, the thrift of the merchant was little understood, or pursued with great danger and precarious profit. To curb their lawless career, in the course of time, strong and absolute governments were established, whose arbitrary decrees and edicts, though they compelled peace and partially protected property, had also the effect of repressing liberty and crippling commerce. These inseparable companions in man's history at length burst

their bonds, and now, in whatever part of the earth a nation is found free, its commerce is found to prosper in the same proportion.

The first offspring of commerce, thus produced by liberty, is a general circulating medium, or currency; and the best proof of the prosperity of commerce and perfection of liberty, are the soundness and uniformity of that currency. In fact, it is almost impossible to conceive of a people sufficiently free to regulate their own affairs, completely commercial in their habits and united in other respects, yet so blind to their best interest as to neglect the uniform regulation and soundness of that on which their commercial prosperity depends. A sound uniform currency will, therefore, be the first commercial effort of a free people.

By commerce is meant, not that mere importation of foreign and exportation of domestic goods which is carried on in seaport towns, but the general disposal of articles of all kinds, whether the produce of the chase, the field, the forest, the mine or the factory, by those who have more than they need to those who require them, wherever transacted. And by currency is intended that circulating equivalent which each receives in return for the articles sold, and which will procure him an equal amount in value of others that he may wish to purchase. It is sound when it is either composed of the precious metals or of paper actually representing an equal amount of specie, or of property constantly convertible into specie, somewhere deposited for its instant redemption; and it is uniform when it is taken at an equal rate in every part of the country through which it was intended to circulate.

Such a currency, the want of which was one of the greatest difficulties of the revolution, was among the first cares of the political fathers of our liberated and commercial Union.

A national paper currency was by them created, with the consent of Washington, after a full examination of the fears of its opponents and the wants of the country. Gradually and effectually it performed its office, till the question of its continuance was again brought round in the course of years; again it was opposed, and was for a time dispensed with; but again the wants of enlightened and equal commerce overcame the scruples of Madison,—and once more the business of the country found a sure reliance. Here it might be supposed that doubt and experimenting would have ended. Here it might be hoped that the acts of as enlightened and as pure patriotism as ever graced the history of any nation, might acquire the force of precedent, and settle the vexed question in favor of the wants of the people and in opposition to fears which two long and full trials had not realized. But no. The doctrine that every man's understanding of the Constitution, was the Constitution, and that no precedent, however safe in its experience, or authority of names however venerated by the country, not even the decisions of the Supreme Court of the nation, were to avail any thing, was broached. Political doctors arose whose gravely avowed object was to save the people from the power of their own constituted agents, and from the influence of engines created by their own hands for their own convenience. They found the country healthy and prosperous in all its relations, and needing only a wholesome restriction on the exuberance of its vigour. To make occasion for the exercise of their skill, they goaded on the national spirit of adventure into all the wildness of speculation, and when at the height, they checked at once its course and paralized its strength. But now, like all other empyrics, though they have produced the disease, they cannot or will not apply the remedy.

Never was there a country with a sounder and more uniform currency than ours, when, from what motive it is now useless to inquire, the first attack was made upon it in 1829. Even the might of that popularity which has formed so singular an era in our history as a people, made slow progress during the first years of the momentous warfare. In this State, so distinguished for her gratitude and devotion to the leader of it, the Legislative and Executive voice may be taken as an index, public opinion remained true to the common interests, so late as the session of 1831-2. And in Congress, when arraigned at the bar of the House, by the Executive assertion of danger to the deposits of 1833, the American people, by their representatives, declared themselves satisfied with their currency, and with the depository of their wealth.

But, while the news of this verdict was yet fresh in the mind of the nation, the unauthorized and startling measure of the removal of the deposits was consummated. Since which time, a succession of measures, characterized by recklessness, inconsistency, and short-sighted expediency, have followed each other in such rapid succession, as scarcely to allow time to become acquainted with their true character.

The country has been carried through a course of State Bank currency—exclusive gold and silver currency, which is only another name for so much new national debt, till gold and silver, the only legal tender, and the true constitutional basis of all currency, have actually ceased to be used as money, and are now bought and sold as an article of merchandise in the market.

Upon Pennsylvania, as was before remarked, the evil of tampering with the currency, has fallen comparatively light. This is owing to various causes.

The general prosperity of business, and the full prices for all kinds of produce and articles, which pre-

vailed for the last four years, had just disencumbered the farms and industry of the State of the debts entailed on them by the reverse that followed 1814, and left both in the best possible condition to bear a change. The debts, to the banks particularly, were either much diminished, or generally of a temporary kind, incurred for mere present accommodation.

The ruinous spirit of speculation, owing to the more cautious habits of our fellow citizens, had not made such progress in this State, as in some other portions of the Union—though it had spread alarmingly during the past few years, yet the amount of engagements made under its unholy promptings, was not such as materially to effect our business transactions. The hurricane which has swept over the land has, it is hoped, purified our business atmosphere of this infectious disease. The accidental remedy has been, for the present effectual, though more severe than even the sternest patriotism could prescribe.

The completion and operations of a large portion of the public works and other means of internal communication, had added much to the real capital, and had invigorated the useful and sure enterprise of the State by affording a market to the rich and unrivalled products of remote sections, and by conferring on our citizens the certain profits of a large carrying trade in almost every quarter of the Commonwealth.

The law of 1828, prohibiting the circulation of bank notes under five dollars, had placed our currency on a firmer basis than formerly, by restraining the increase of paper circulation, and by increasing the proportion of specie in the hands of the community and in the Banks.

The continued presence and operations of the Bank of the United States, also gave to the other State Banks, and to the currency generally, a soundness and uniformity that were extremely beneficial. The

State also owed much to the solid character of her banking institutions generally, and to the safe and prudent manner in which they had for years past been conducted in comparison with others.

The nature too of the mercantile business of our commercial metropolis was of a firmer kind than that of some of the other sea-board cities. Her debtors generally resided in the agricultural regions of the West, whose interests, not being extensively connected with foreign nations, were not so materially affected by the derangement of trade, as were those depending on the Southern cotton, tobacco, and sugar plantations. Her claims on other states have, therefore, generally been secured, and the effect on her credit and that of her institutions, has been salutary in proportion.

Neither must the steady character of the dealing portion of our community be overlooked. The prudent, though enlarged views and solid operations of the merchant, and the admirable manner in which the manufacturers maintained their credit and operations throughout the reverse, are worthy of all praise.—Sustained as they were by the steadfast habits and sure capital of the mechanics and farmers, all have passed the ordeal in a manner at once beneficial and honorable to the State.

But all these advantages would have been of little avail, if during the first panic of the suspension, an alarmed community had sent into council an excited Legislature, whose action then on the subject would only have added to the evil; and whose failure to act at all, would have shifted the odium of its continuance to their own heads, from that on which it now so deservedly and plainly rests.

Under this conviction, when strongly urged in May last to convoke the Legislature, that measure was declined, and the result has been a still further addi-

tion to the advantage which we already possessed in the novel conflict now waging between the interests of "the government" and those of the people. By avoiding that measure we have escaped the utter prostration of the currency by a vast emission of small notes, which the Legislature would probably have authorized, and which would have continued to curse the country long after the present illegal circulation of a similar description shall have disappeared.

We have also avoided the ruin of an undue expansion by the Banks of their general circulation, which would have undoubtedly followed a law legalizing the suspension, and which has been prevented by the wholesome fear under which they acted for the last six months.

In declining to convene the Legislature, occasion was taken to appeal to the patriotism of the people in support of the credit of the State and her institutions, and to warn the banks against speculating on the misfortune of the times by flooding the country with an increase and depreciated paper circulation. They were at the same time encouraged to hope, that if the proper course was pursued, the measure into which they had been compelled by necessity, would, if no undue advantage were taken of it, not be punished as a crime, but treated as a misfortune.

It is now my high gratification to be able to announce to the Legislature that not only have our fellow citizens, generally, amply sustained their old reputation for good faith and forbearance in the trying crisis, but that the portion of them connected with the banks, have realized all that was expected. The report of the Auditor General, when laid before you will show that there has been a material decrease in the amount of notes in circulation, and an increase of specie since the suspension; also, that the debts due to the banks have been reduced, which result must have been produced without distress to the commu-

nity, as no complaints of that kind have been made known; and that private deposits, which are the best evidence of public confidence, have suffered very little diminution.

Returns have been received on yesterday from all the banks in the State except the Northampton bank, the Lumberman's bank at Warren, the Honesdale bank, and the Columbia bridge company; the whole number in the State being fifty.

Their circulation, specie, discount and deposits, stood as follows in the beginning of May and November, 1837:

	May.	November.
Circulation, ...	$21,063,543 05	$16,164,539 21
Specie, ...	4,391,072 23	6,906,510 88
Discounts, ...	86,407,613 43	69,942,755 00
Deposits, ...	12,491,008 15	11,936,279 21

Hence it appears that there has been a decrease of circulation, to the amount of $4,899,003.84, or about one fourth, since the suspension—of discounts to the amount of $16,464,858.43—or about one-fifth, and of deposits to the amount of $557,728.94, or about one-twentieth—and that the specie has increased $2,515,438.65, or more than one-half. The returns yet to be received will not materially vary the result.

It thus appears that the Banks of Pennsylvania are in a much sounder condition than before the suspension; and that the resumption of specie payments, so far as it depends on their situation and resources, may take place at any time.

But we must not rest content with the contemplation of this gratifying state of things. Though a favorable combination of circumstances has for the present guarded us from the extent of injury to which the occurrences of the past year exposed the Commonwealth, it is not the part of prudence again to rely on a

similar escape from danger. Our duty is, if possible, to prevent its recurrence.

The Banks have well sustained themselves through the crisis; but the Bank system that could admit of such a crisis, must be defective.

The fact that a general suspension of payment in gold and silver has taken place, without producing a general forfeiture of the charters, though it was the evident intention of the Legislature to prevent or punish such a catastrophe by that penalty, neither justifies the suspension, nor proves that the penalty is unjust. It only shows that a crisis has arisen not foreseen by the Legislature of 1824, in which the infliction of a penalty would be productive of more evil to the people than a continuance of the suspension. It is a remarkable instance of the virtual repeal of a general law of the land by the expressive, but silent action of public necessity, by which even the fierceness of party zeal has been restrained. Of the votes polled at the late general election, a small majority were by a party one of whose professed principles was opposition to Banks. It is a fair supposition that this majority held, since the suspension, the same proportion of the bank notes of the State. It was therefore in their power to have closed up and forfeited the charter of every bank in the Commonwealth, except perhaps two or three. They have not done so, and the reason is, that their own, and the public interest would have thereby suffered. The public agents, both the Legislative and Executive, are therefore bound to act on this plain intimation of the public wish. And this construction the Legislature are the more compelled to respect, inasmuch as by the 19th article of the act of 25th of March, 1824, no forfeiture can take place for mere suspension except at the desire and by the action of the people who are the note holders.

But though the Legislature may thus be restrained by existing rights from constructing a banking system entirely in the new, yet it is their duty to take such measures for the protection of the future, as the nature of the case demands and will admit.

The great object of a reform in the banking system should be, effectually to curb the power to do evil, without interfering with the capacity to promote the common good. To accomplish this desirable end, I would recommend the incorporation of the following provisions, or of others calculated to produce the same results, in all future Bank laws, and their instant application, so far as chartered rights and the faith of the State will allow, to the Bank now in existence:

1. That the profits or dividend payable to the stockholders, be forever restricted to 7 per cent. per annum on the capital actually paid in.

2. That the notes in circulation be still further reduced, in proportion to the amount of capital stock paid in. It may, by the present laws, be double that amount.

3. That whenever the specie on hand shall fall below a fixed proportion to the notes in circulation, all increase of circulation shall be strictly prohibited and summarily punished, until the proportion required by law shall be restored.

4. That no loan shall be made to any broker or other person engaged in dealing in money, notes, bills or other evidences of debt, until persons engaged in other business, and presenting equal security, shall have been first accommodated; nor any loan be made on pledge of stock, nor any other security, except that which is usually demanded. And that loans to Directors, directly or indirectly, shall be placed under similar restrictions with those to brokers.

5. That the amount of loans to any individual or firm, whether as drawer or endorsers, or both, shall

not be permitted to exceed a certain sum fixed by law, except with the consent of three-fourths of the Directors.

6. That the excess of annual profit beyond 6 per cent. shall be invested by the officers of each bank, in such manner as shall be approved by the State Treasurer, until it reach a certain amount to be fixed by law, in proportion to the capital paid in, as a separate fund to secure the safety of the bank, and to redeem its notes in case of accident. The fund to be under the direction of the Stockholders, who shall be permitted, after its completion, to receive all the earnings of the Bank until they shall have been reimbursed for such portions of the dividends between 6 and 7 per cent. as were therein invested. But after they shall have been thus repaid, all excess of dividend over 7 per cent. shall be periodically paid into the State Treasury for the use of the Commonwealth, together with the fund itself, at the expiration of the charter and discontinuance of the Bank.

7. That every Bank in the State shall be compelled to keep its notes at par in Harrisburg, Philadelphia and Pittsburg, the one the capital, and the others the great commercial emporiums of the Commonwealth, or be summarily liable to the holder for any discount incurred.

8. That a law be passed fixing a period, not more distant than three, four or five years from the present, for the expulsion from circulation of all notes of a lower denomination than ten dollars.

9. That the President and Directors for the year during which a suspension of specie payments shall occur in any Bank, shall be individually liable for its notes, and for all other claims against it.

10. That hereafter no bonus or price shall be paid to the State by any Bank for a charter or recharter, other than the excess over 7 per cent. of its annual profits

as above mentioned; and that all new stock shall be sold by auction, the excess above par value to be the property of the State, but to be invested in the fund above described till the expiration of the charter.

11. And finally, that no bank be allowed to go into operation until one third of its stock shall have been actually paid in.

These improvements of the system, I have little doubt, would be effectual.

A limit to the private profits of banking has become manifestly necessary to protect society against the danger and evils springing from the desire to realize large dividends, but it should be accomplished in such a manner as to strengthen and not weaken the Banks, because the public good is involved in their soundness. It is to produce this double result that all profit beyond a reasonable sum is recommended to be retained for the public use; but that, instead of being taken at once into the public coffers, it should be invested, with the consent of an officer elected by the Legislature, in such manner as shall promote the best interest of society, by infusing additional soundness and health into the currency. To prevent misconstruction it is proper to state, that no intention is entertained of creating a safety fund system, by which all the Banks of the State shall be involved in one common doom, to be inflicted at any moment by Legislative or Executive authority. The object is briefly this: To prevent injury to the community by restraining the profits of the Stockholders; and to benefit both the community and the Stockholders by permanently investing the excess of profits of each Bank, in a separate fund, for its own support and protection, and without governmental control or interference of any kind.

The restrictions of circulation to an amount bearing a just and safe proportion to capital paid in, and to specie, and the presence in each bank of a perma-

nent fund (which should be considerable), to guarantee the safety of the Bank creditors, would at all times merit and obtain unlimited public confidence for the banks.

The limitation of the profits of the Stockholders, with the increased responsibility of Directors, would both remove the temptation to undue speculation for the sake of obtaining large dividends, and the consequent danger of the banks being compelled ever to refuse redemption in specie. It would also most effectually check the increase of banks beyond the actual wants of trade, so that there would be little risk ever after in creating any bank whose stock could be subscribed and paid in.

The regulation to keep all the bank notes of the State at par at certain points, would give uniformity to our currency over the State, and a State soundness and character to it over the Union, which would be beneficial and desirable in every respect.

The keeping of all the notes of the State at par all over the State, and the prevention of loans to mere dealers in money, whether as Brokers or Directors, would go far towards the abolition of paper shaving, and would have the effect of securing bank accommodations for the useful man of business. This desirable result would also be aided by limiting the amount of loans obtainable by each person, and by discountenacing loans on pledge of stock.

The disuse of all notes under $10 would still further widen the specie basis and increase the soundness of the paper system. Now is the time to take means to accomplish it, even in the midst of the illegal small notes and general depreciation of the day. The banks have generally diminished their circulation. The decrease consists proportionably, and in some instances mainly, of a withdrawal of five dollar notes, preparatory to a partial resumption. If they be now told

that these notes will be discontinued at a period not far distant, they will take measures on the resumption of specie payments, and of their usual amount of business, to throw an increased quantity of $10 notes into circulation. Thus the change can take place with little shock to the community or loss to the banks.

To extricate the commerce and currency of the country from its present difficulties, little is in the power of State Legislation, and therefore little is required to be done.

The general resumption of specie payments, even though left to the unaided enterprise of the American people, cannot be far distant. All the signs of the times indicate it. The premium on specie, though recently fluctuating on account of the greater demand of this season of the year, has fallen regularly and considerably. The general business of the country, is fast recovering its healthy tone, though far short of its usual amount. The prices of land, and of produce, and all other articles, have neither decreased nor experienced that sudden rise which betokens a great want of confidence in the ultimate soundness of the currency. The notes of the banks, much decreased in amount, have lost the greater part of their distant circulation, and are now generally clustered around the institutions whence they issued, in the hands of its friends, and are held with perfect confidence. The only obstacle in the way, is the remaining debt to Europe for articles bought on credit by the importing merchants of the Union. This will, however, soon be removed. The crop of another year would completely clear it off, even if the resumption of the usual business intercourse were made to depend on its previous and full discharge. But such is not, or will not be the case. Europe, and particularly Great Britain, cannot well afford to be deprived of the custom of American merchants for another year. Means will be found

to arrange the gradual payment of the small balance yet due, without loss to one party, or inconvenience to the other. And then the usual trade will be resumed. To the production of this desirable result, which will be the signal for the resumption of specie payments, the increased soundness of the banks of the State, and the noble and patriotic efforts made by the merchants of the North and the planters of the South, to meet their engagements by purchasing specie at any price, and by shipping their cotton and other articles, to pay their debts and redeem the honor of the country, will, as they should, greatly contribute.

In this view of the subject I have now little doubt but that the Legislature may, with perfect safety, fix an early date for the resumption of specie payments. The soundness of her banks, and of her general currency, will necessarily place Pennsylvania foremost in the attempt to accomplish whatever is in the power of State Legislation, on the subject.

But there is one view of the subject which presents the strongest reason for the earliest possible resumption. The general circulation of irredeemable promises to pay, by and through all portions of society, is not merely a disease of the currency. It is a social evil—a great moral taint—which, if long uncorrected, will undoubtedly have the most deleterious influence on our character and happiness as a people. Pennsylvania has heretofore been characterized by steady good faith and adherence to principle. It behooves her public agents now to guard this brightest jewel in her casket, by restoring its usual unsullied purity to her public character. This can only be done by adding actual performance to the private promises of her citizens.

The only branch of this subject yet remaining untouched is the flood of small notes, which has so suddenly and generally covered the State. The odious

name by which they have been branded—the attempt made by each political party to stigmatize its opponent with the blame of their origin, and the utter dislike with which they have been received by the public generally, though a great portion of them proceed from sources of unquestionable solvency, form additional strong proofs of the unsuitableness of small notes of all kinds to our wants and circumstances. No legislation is required to rid us of those that now infest the State. They are, every one of them, clearly in violation of the act of Assembly of the 12th April, 1828, on the subject, and will disappear as soon as the imprisoned coin of the country resumes its usual office. Then, without regard to the time of redemption set forth on the face of them, be it one, two or ten years, with or without interest, the holders will either demand instant payment, or sue for, and recover the penalty of $5, and interest, inflicted on their issue by the existing laws.

But, after all, the thorough and permanent remedy for the whole evil must come from Washington. Until Congress shall devise and adopt some means which will again give us a currency equal over the whole, and to the wants of the whole Union; and until the National Government shall consent to allow the people to judge of its suitableness to their own wants, there can be no general and permanent confidence in the currency—no fixed value for property—no enlarged spirit in commerce and trade—and consequently little encouragement to laudable enterprise or improvement of any kind.

Having thus fully declared my views on this exciting subject, I shall proceed to the other matters which require notice. In the annual message to the Legislature, at the commencement of the last session, occasion was taken to declare at length my views on all subjects of importance, in the hope that future com

munications might be thereby rendered more brief. Permit me now respectfully to refer you to that document for my opinion on the matters therein embraced, except so far as some of them may be more at large explained in this message.

I must, however, again urge upon the Legislature the necessity of a law to prohibit the administration of all extra-judicial oaths.

The financial condition of the Commonwealth is, at present, most cheering. By reference to the Auditor General's Report, it will appear that the amount of actual receipts into the Treasury, during the fiscal year just closed, including three dividends of the national surplus revenue, and the balance on hand at the commencement of the year, was $6,394,076; and that the expenditure during the same period, including all the expenses of education and internal improvements, was $4,173,940.26, leaving an unexpended balance in the Treasury on the first of November, 1837, of $2,220,135.74.

The following estimate of the operations of the Treasury during the present year, is partly based on the calculations of the State Treasurer, and partly on similar operations during the past year.

Estimated Receipts for 1838.

Bank bonuses,	$235,000 00
Dividends on Bank stock,	160,000 00
Tax on bank dividends,	100,000 00
Auction duties and commissions,	87,000 00
Dividends on bridge and navigation stock,	40,000 00
Land and Land Office fees,	75,000 00
Tavern licenses,	50,000 00
Retailers' licenses,	62,000 00

Collateral inheritance tax,	27,000 00
Tax on writs,	25,000 00
Balance on state tax of 1835,	20,000 00
Tax on certain offices,	8,000 00
Hawkers and peddlars, and tin and clock pedlars,	3,500 00
Tax on coal companies,	1,500 00
Fees of Secretary and Auditor General's offices,	700 00
Pamphlet laws, English and German,	1,000 00
Old debts and miscellaneous,	6,000 00
Canal and rail road tolls,	1,400,000 00
Balance of loan per resolution of June 16, 1836,	100,000 00
	$2,401,700 00
To which add balance on hand at the commencement of the year,	2,220,135 74
Total amount in Treasury during the year,	$4,621,835 74

Estimated Ordinary Expenditures for 1838.

Interest on internal improvement debt, salaries, &c.,	$1,180,000 00
Interest on old treasury loans,	100,000 00
Expenses of motive power,	190,000 00
Balance of loan per resolution of June 16, 1836, applicable to Erie extension,	100,000 00
Expenses of Government,	270,000 00
Expenses of Convention to propose amendments to the State Constitution, exclusive of $71,739.67 already paid, as per estimate of the State Treasurer,	150,000 00

Common Schools, being the proportion that will probably be drawn by the accepting districts within the year, ...	300,000 00
Colleges, Academies, &c., (old appropriations), ...	32,000 00
Geological survey, ...	8,000 00
Turnpikes, roads and bridges, ...	60,925 13
Pensions and gratuities, ...	45,000 00
Militia expenses, ...	20,000 00
Penitentiaries, ...	19,700 00
House of Refuge, ...	5,000 00
Conveying convicts and fugitives, ...	1,500 00
Miscellaneous, ...	20,000 00
Total ordinary expenditure, ...	$2,502,125 13
Leaving an excess of receipts over expenditures, at the end of the year, of..	$2,119,710 61

In addition to the above named receipts into her Treasury, the State should, in justice, receive the fourth instalment of the surplus revenue of the United States, the payment of which was postponed by the action of the extra session of Congress. Though the appropriations hereafter recommended, are not apportioned on the certain expectation of receiving it, yet if it should be paid, as it ought, within the year, the addition of another million of dollars to the sum at the disposal of the Legislature, will materially aid our public works. In that event, I would advise an increase of all the appropriations about to be named.

The chief demands on the surplus means of the State treasury are those for education and internal improvement.

The report of the Superintendent of Common Schools, when laid before you, will exhibit a most cheering condition of the system. The first Tuesday

i.. last May, was the day on which, under the present school law, the first triennial vote of the citizens of accepting districts was taken to ascertain whether the system should be continued or not. Though that question was submitted to the people in a large number of districts, yet the Superintendent has not been officially informed of the rejection of the system by a single accepting district. Doubtless there are some, but their proportion must be small, inasmuch as seven hundred and twenty-five of the one thousand districts in the State, have, since the first Monday in June, entitled themselves to the receipt of the State appropriation for the present year, by levying the necessary tax, and have actually received their money. Of the remaining districts, seventy-five were accepting last year, and had the system in operation then. If one-third of these, and that is a large estimate, rejected the system in May, still fifty remain, which, added to the number of paid accepting districts will give seven hundred and seventy-five as the whole present number of accepting districts, leaving two hundred and twenty-five still opposed to the system. Of the number which have been paid, eighty have now, for the first time, accepted. It will thus be perceived, that the common school system has more than maintained its ground through the test of the triennial question of its continuance or rejection, by districts which have tried the experiment.

One part of the school law is much complained of. A mere majority of the votes polled in a district, no matter how small the number of persons voting, has the effect of accepting the system and fastening it upon the district for three years, though on the other hand it requires a clear majority of all the qualified citizens of the district to discontinue it when once in operation. This is wrong. I would therefore recommend that the law be so modified that the system shall not

go into operation at all hereafter, except with the consent of a clear majority of all the qualified citizens of the district. The appropriation of the school house fund of last session has had a most salutary effect.

Permit me to reiterate the recommendation then made in favor of a permanent addition of $100,000 a year, to the ordinary annual appropriation for the purpose of instruction. This sum will raise the permanent appropriation to $300,000, and will enable directors during the next three years to carry on their operations, and to test the experiment fully without heavy taxation. If, notwithstanding this addition, the system be discontinued by the people, at the end of that time, the Legislature will not have to reproach themselves with its failure. If it be admitted that wholesome cultivation of the moral and mental faculties not only raises the character, increases the happiness, and perpetuates the liberties of a nation, but actually adds to its wealth, by bringing the best energies of the mind, and all the stores of experience and science to aid the practical business of life, no other appeal need be made in favor of Common School education. The additional appropriation, if it be granted, should be so made that a correspondent increase of school tax shall not be necessary to obtain it.

For further information and plans for the improvement of the system, I would respectfully refer the Legislature to the report of the Superintendent, which will be submitted at the proper time. It will be, I trust, unnecessary to bespeak your favorable attention to the suggestions of that officer.

The system of internal improvement has heretofore been the chief draft upon the Treasury. It is now about becoming its main reliance. Fortunately, owing to the just though incomplete distribution of the National surplus means among the States, and to

the failure of the over grown appropriation bill of last session, which would not only have exhausted the Treasury, but as events have turned out, would have added another million to the State debt, the Treasury is now in a condition to carry on the public works with all the necessary vigor, and without resort to permanent loan or taxation.

The revenue from the public works fell $324,649.51 short during the past year of the estimate of the Canal Commissioners. Its actual amount was $975,350.49. But all who are conversant with the matter are convinced that it would have been $1,300,000 if the paralysis of last May had not fallen on the energies of trade. The estimate of the Board, for the present year, is $1,400,000, in which I concur; believing also, that though it cannot fall materially short of that sum, no matter how adverse the State's general business may become, it may, and probably will reach $1,500,000, if the usual degree of prosperity be restored to the country. The tolls of last month alone amounted fully to $130,000 of that sum.

In support of this opinion may be adduced the facts, that while the canal and rail-road revenue of the State, has received an addition of $137,544.74 within the past year, that of a neighboring State has suffered a decrease of $217,336.90. This improvement in our revenue, in the midst of general depression, is owing to the kind of business on the public works. Our Coal and Iron and other heavy indispensable articles, all of our own production, must find their way to market through all changes, while the mere carrying trade of our neighbors will always feel the disastrous effect of every commercial panic. A clear proof of the irrepressible growth of our coal business, is the fact that the toll this year, received by the three great canal companies of the State—the Schuylkill, the Union and the Lehigh, amounts to $847,331.87, up to the mid-

dle of November. On these, and on all other works, public and private in the State, the quantity of grain, flour, merchandise, &c., transported during the season, has greatly decreased—the articles of coal and iron, where transported, are the only ones that have maintained their usual progressive advance. Of anthracite coal alone, at least 1,000,000 tons were carried to market the past year, being fully 200,000 more than the previous season. On the State works the tonnage of coal and iron increased fully one-third, while most other articles materially decreased. The increase of traveling was about one-fifth.

This view of the subject not only enables us to calculate with certainty on the increased earnings of the public works hereafter, but justifies all necessary expenditures for their completion, even without taking into account their other incalculable advantages to the State.

The operations on particular portions of the improvements during the year, also present the strongest arguments in favor of the speedy completion of the whole. The Philadelphia and Columbia rail-road, whose system of management is not exceeded, if it is equalled, any where, has yielded the past year, a sum equal to full interest on its cost, besides paying all repairs. The motive power department, hitherto such a source of dissatisfaction, has not only been supported by the motive power tolls, but has, in addition, cleared 7 per cent. on the first cost of all the locomotives ever put on the road.

The whole main line from Philadelphia to Pittsburg, has yielded over three per cent. on first cost, besides paying the expense of repairs, which is mainly attributable to the admirable management of the Portage road, and the canal portion of the route. The Delaware division has cleared 5 per cent. on cost, and kept itself in repair: Another indication of what Pennsyl-

vania may expect from her coal business, the trade of this canal being chiefly of that description.

Improvements thus increasing in productiveness under every disadvantage, demand, because they are worthy of all the care of the Legislature.

In making the annual appropriations two objects are to be kept in view, viz: The repair of the finished works; and the early completion of those yet unfinished.

There are two kinds of repairs, ordinary and extraordinary. To make the former, the practice has prevailed almost since the commencement of the system, of appropriating $300,000 per annum. This sum has generally been insufficient, and principally because it was not granted until so late in the winter as to cause the necessary work to be prosecuted in great haste, and consequently, under every disadvantage, and with greatly increased expense, that the works might be fit for use at the opening of the spring. $280,000 will be sufficient for ordinary repairs the present year, if provision be made for extraordinary repairs.

Extraordinary repairs have not been usually provided for specifically. That course is now strongly recommended. The want of occasional appropriations of this kind has added much to the annual expense of the public works. The limited amount of the ordinary fund, prevented those substantial and permanent repairs from being made, which true policy would have required, and has continually entailed much unnecessary cost on the State, by compelling the public agents to make mere temporary repairs, particularly to dams, which were always to be made over the next season. The present year $347,295.00 will be indispensable for this object. The principal items are $105,000 for the avoidance of the inclined plane at Columbia; $66,000 to put the feeder dams in the Susquehanna, and other rivers, in such order as to afford a certain supply of

water to the canals when the rivers are low; $59,000 to renew a part of the Eastern Division of the North Track of the Columbia and Philadelphia Railroad, which, being originally chiefly of wood, is now decayed, and to make other necessary arrangements on that part of the public works; $26,235 for ropes on both roads, and for workshops, &c., on the Portage; $7,000 to renew locks on the Western Division of the main line of canal; $24,000 to construct additional locks on, and to deepen the canal below Duncan's Island, so as to admit a full supply of water at all seasons. Under this head may also with propriety be included, the annual appropriations for damages ($30,000), and for new work on finished lines, pay of Canal Commissioners, Appraisers, Engineers, &c., (say $30,000), making the above total.

No legislation is now necessary for the new bridge at Duncan's Island, sufficient provision having been made for that purpose by the joint resolution of 3d April, 1837. The sum yet required to complete it, is included under the head "Turnpikes, Roads and Bridges," in the foregoing estimate of the current demands on the Treasury. The bridge will be completed in time to accommodate next spring's trade, and will cost $80,000. It promises to be a strong and durable structure, and has been urged on in a manner creditable to all concerned.

There is another appropriation claiming the instant attention of the Legislature. The failure of the appropriation bill of last year, made it necessary for me to resort to the authority given by the resolution of June 16th, 1836, to borrow $200,000 for the use of the Erie extension of the main line and the North Branch. The loan was promptly taken by the Bank of the United States, though the interest was limited by the resolution to 4 per cent. The money was equally apportioned between the works named in the

resolution. It enabled the contractors to continue their operations during the summer, but the portion given to the North Branch is now exhausted, and that to the Erie extension will also soon be expended. It therefore becomes necessary for the Legislature to make temporary provision for the wants of these works, and of the Gettysburg extension of the Pennsylvania Rail-road, which received no part of the $200,000, and is now much in want of funds.

Permit me strongly to urge the propriety, policy and justice to contractors and laborers, of passing a bill with as little delay as may be, making a temporary provision for these works. For ordinary repairs $280,000 will be required; for extraordinary repairs $347,295; and for present aid to new works, $300,000; the last named sum to be distributed in such a manner as the board of commissioners may think just, among the works above mentioned.

After deducting these indispensable appropriations, which I would again most earnestly urge upon the immediate and favorable attention of the Legislature, there remains a balance of $1,092,415.61, chiefly applicable to the other great object, viz: the completion of the unfinished works. These are the Erie extension of the main line; the North Branch canal; the Gettysburg extension of the Pennsylvania Rail-road, and the completion of the West Branch canal. They all possess the strongest claims, and should engross the public resources until brought to completion. This is not only dictated by justice to the citizens resident in the several quarters of the state through which they pass, but by the soundest policy and economy.

The completion of the Erie extension to the noble harbor of Erie will give Pennsylvania the undisputed command of the Lake trade, and will redeem her long plighted and almost broken faith, to that quarter of the State. Including such portion of the temporary

appropriations before mentioned, as shall be applied to this work, the resources of the state will not now afford a greater appropriation to this line than $400,000. The appropriation of this sum I would accordingly recommend in the following manner: $300,000 to carry on the work now under contract, and $100,000 to be applied to the most difficult portions of the whole remainder of the route from the termination of the work under contract, to the harbor of Erie. This course, by causing the early commencement of the heaviest sections, will ultimately hasten the completion of the whole work with the least possible present outlay to the State. $100,000 will be enough for the latter purpose, because it will be late in the ensuing summer before the necessary surveys, locations and contracts are made, previous to the actual commencement of operations by contractors.

The completion of the North Branch canal to the New York line, from the mouth of the Lackawanna, where the canal now has its Northern termination, should be urged with all possible vigor. The supply of New York and the Lake country with anthracite will be the vast and profitable business of this branch. The canal also from Columbia to tide, will draw much of the Wyoming, Mahanoy, Shamokin and Lykens Valley coal to the South, along the lower portion of the North Branch and the Susquehanna canals. There can be no doubt therefore of the ultimate profit of the whole line of canal from Columbia to Tioga Point. A like appropriation, as in the case of the Erie extension of the main line, is recommended to be applied in the same manner and proportions—that is $300,000, including the temporary appropriation to carry on the work under contract, and $100,000 to commence the heaviest sections on the whole line yet to be located.

The Gettysburg extension of the Pennsylvania rail road, though little known, is among the most import-

ant links in the chain of our internal improvements. It will ultimately connect Philadelphia with the Western waters by a very direct route, lying so far South as to be comparatively free from obstruction by frost and snow. About one half of the distance will be constructed by the citizens of another state, the advantages of which are secured by law to Pennsylvania. We are thus saved millions of dollars in effecting this connection: $300,000 (including the portion of temporary appropriation above mentioned), can be appropriated to this work; $225,000 to carry on work now under contract, and the remainder to commence the most difficult portions of the balance of the whole route.

The amount yet required to complete the Tangascootack extension of the West Branch canal is $34,000. This sum should be given, that that work may at length be finished. The legislature should also take means to ascertain the best mode of connecting the waters of the West Branch with those of the Allegheny, so that a continuous water communication may be formed between Eastern and Western Pennsylvania, when the resources of the state will bear it. The report of B. Aycrigg on that subject has removed every doubt from my mind of the practicability of the project, but inasmuch as the resources of the State will not now authorize the commencement of the work, it would be productive of much benefit to have all the routes, supposed to be practicable, but not examined by the engineer just named, fully explored, so that when the work is really commenced, as it most certainly will be at no distant day, the very best route may be adopted.

After all these appropriations, enough will still be left to enable the legislature to extend some aid to turnpikes and other roads. While we are laying out

millions to send the canal boat and locomotive into every quarter of the State, we should not forget that Pennsylvania for a long time owed her prosperity mainly to the five horse team. And that, though her wagoners as a distinct race, are rapidly disappearing from many parts of the State, yet that they are still the main reliance of several counties, either inaccessible to, or yet unreached by canals and rail roads. There are also counties, such as that of Greene, in which more real good would be accomplished by the expenditure of $10,000 in M'Adamizing a leading road, than by the expenditure of five times that sum in other quarters. The appropriation of $75,000 to the turnpikes and other roads of counties heretofore little benefitted by the public works, will be an act of bare justice, and is therefore recommended for the present year.

It will be perceived that in allotting the foregoing appropriations, the estimates of the Canal Commissioners, have not been throughout adhered to. If the state of the Treasury would permit it, I should not undertake to differ from the proper public agents, on a matter committed to their charge. But taking into view the whole wants of the State in connexion with the present condition of the Treasury, I find it impossible fully to concur in their recommendations, without a permanent increase of the public debt. I have, therefore, been compelled to reduce the various estimates. I know that they are generally less than have been expected by those connected with the different works, and the only reason which can or need be assigned, is the inability of the Treasury to afford more. If the Legislature should, however, think proper to increase the appropriations to the Erie and North Branch canals, and the Gettysburg railroad, and to the turnpikes, by authorizing a temporary loan from the Bank of the United States, under its charter, at

4 per cent., to meet the differences when the fund in the Treasury shall be exhausted, I shall have no hesitation to concur. Perhaps under all the circumstances of the case, this measure may be right in another point of view. It may be that our reasonable calculation on a restoration of the usual prosperity of the country will be again disappointed, and that the receipts into the treasury will not be sufficient to meet the appropriations recommended. Authority to negociate a temporary loan of a limited amount, to guard against this contingency, might much promote the public interest, and can do no evil. I have no doubt but that the amount of such loan will be repaid out of the ordinary resources of the following year. The good effect of the temporary loan, which saved the character of the State during last summer, will prove the wisdom of the measure.

The non-payment of the fourth instalment of the surplus revenue of the United States, on which our citizens justly counted, has put it out of my power to recommend appropriations to other important and deserving objects. The locks in the canal from Duncan's Island should be doubled, as a safe means of repair, and to prepare for the increase of business, which must soon take place on that part of the public works. The capacity of those on the Delaware Division should be increased, so as to adapt them to the size of the locks on the Lehigh Company's works. The Union canal has also strong claims on the State for aid in the contemplated increase of the size of the locks on that work, so as to pass the large boats of the Pennsylvania canal. The decayed wooden locks on the North Branch should be renewed. The Beaver and French Creek divisions, though their productiveness to the State is yet inconsiderable, should not be permitted to go to ruin. These and other similar claims, must now be postponed till a period when the

renewed prosperity of the country shall enable the State to be more generous.

I have presented this particular estimate and plan of appropriations not with the expectation that the latter will be adopted throughout, or with the determination to concur in no other, but to shew that the indispensable wants of the commonwealth, may all be supplied from her own unborrowed resources. It will afford me great pleasure to aid in giving efficacy to any better project which the wisdom of the Legislature may devise. But, while I make the avowal of readiness to do so, I wish it to be distinctly understood that no force of circumstances will compel me to consent to a permanent increase of the State debt. All our energies should now be devoted to such measures as will ensure and hasten its decrease.

The accompanying correspondence between the foreign agents of the holders of Pennsylvania State Stock and the Bank of Pennsylvania, will shew that considerable dissatisfaction now exists, because this State has not taken measures to pay the interest of her debt, in specie, or its equivalent. It is said that New York, Ohio and Indiana, have done so, and the creditors of Pennsylvania demand the same justice. The whole matter is respectfully submitted to the Legislature, that such order may be taken upon it as the honor of the State and justice to her citizens and creditors may require. The subject is introduced in this connexion as exhibiting an additional strong reason for avoiding any increase of our debt, and for confining all our present energies to the single product of making the expenditure, already incurred, as speedily productive as practicable.

On the last day of the last session of the Legislature, a joint resolution was presented to me, authorizing a loan by the State for two years, of $150,000, at 6 per cent. interest, to the Harrisburg and Lancaster Rail

Road Company. It was not then, nor has it been since signed. I now assign the following reasons for withholding the Executive approbation.

1. Because, just before the resolution was presented to me, I had refused to sign the general improvement bill of the session, chiefly on account of its containing a large amount of appropriations and aids to company works, to the injury of the public works of the Commonwealth, and to the entire prostration of her future resources, if the bill should succeed. The subject of the resolution in question had no stronger claims than they, and could not have been approved if embraced in that bill, nor can it now be approved separately.

2. Because, I wholly disapprove of the practice of commencing extensive works by companies or other private means, without full ability and preparation to complete them. The practice of doing so, and of then throwing them on the Treasury of the Commonwealth for completion, has been too extensively followed, and should be discountenanced. It is unjust to the citizens of the State generally, injurious to the citizens through whose property they pass, and ruinous to the unfinished system of State works.

3. Because, almost the only business which can be transacted on the road in question, will be abstracted from the public works of the State, at Lancaster and Harrisburg. The loss to the State, by the transportation of passengers alone on this road, has been already considerable, and when it shall be completed and used for the transportation of freight, will, in all likelihood, amount to $100,000 per annum. It therefore has no very strong claims on the liberality of the Commonwealth.

4. Because, even if the claims of this road for aid were strong, as they are not, the condition of the State Treasury will not afford the proposed loan. A suffi-

cient amount to carry on the proper undertakings of the commonwealth is barely on hand; and even if more were possessed, their wants would require it all.

5. And finally, because I wish to make my opposition to this resolution indicate the decided objections entertained against the ruinous policy of chartering companies to make railroads and canals parallel with the public improvements. If this course be pursued and particularly if the companies be also aided by the State in thus setting the State works idle, the latter had better at once be abandoned.

On the same day there was also presented to me for signature, a bill entitled "An act incorporating the Buck Ridge rail road and Mining company, and for other purposes." This bill, if it becomes a law, will incorporate or extend the privileges of eleven companies, with power to purchase and hold 30,000 acres of land, and operate with an aggregate capital of $3,200,000; all of them to mine and transport coal to market, and some with power to construct rail roads. The contemplated companies, whose powers are generally to continue for 20 years, are, "The Buck Ridge Railroad and Mining company," to operate in the county of Schuylkill with a capital of $350,000. "The Dauphin and Susquehanna coal company," continued and extended for 20 years, to operate in Dauphin, with a capital of $500,000. "The Union railroad and Mining company," to operate in Schuylkill and Dauphin, with a capital of $350,000. "The Morris Run coal company," to operate in Tioga, with a capital of $250,000. The "Eckley coal company," to operate in Northampton, with a capital of $254,000. "The Western Pennsylvania coal company," to operate in Warren and M'Kean, with a capital of $100,000. "The Pine Ridge coal company," to operate in Luzerne and Northampton, with a capital of $300,000. "The Hanover coal

company," to operate in Luzerne and Northampton, with a capital of $300,000. "The Harleigh coal company," to operate in Luzerne and Northampton, with a capital of $250,000. "The Bradford coal company," to operate in Bradford county, with a capital of $250,000. And "The Franklin railroad company," with privileges and rights similar to the preceding coal companies, to operate in the county of Bradford, with a capital of $300,000.

I am constrained to refuse the Executive approbation and signature to this bill by the following reasons:

1. Because the incorporation of companies of any kind, to accomplish objects within the reach of private enterprise, is a departure from the good, old and safe rule of legislation in Pennsylvania.

2. Because the mining of coal, though it may have required the enlarged powers of corporations to commence and carry it into successful operation, at the beginning of the coal trade, is a business now well understood, and profitably pursued by thousands of private citizens, whose rights and interests will be injured by the exercise of corporate power and competition.

3. Because the law authorizing and regulating limited partnerships, presents all the opportunity for the investment of capital without risk to the remainder of the owners' property, and for combined operation by individuals, now necessary to prosecute this or any other branch of private business.

4. Because the desire to form coal companies, is generally produced by the mere spirit of speculation, or by some plan to dispose of a particular tract of land to great advantage, and not by the intention of real investment in this particular branch of business, or of carrying it on as a means of gaining a livelihood.

5. And above all, because I feel the utmost repug-

nance against any project that may have the influence of crippling or monopolizing the great coal trade of Pennsylvania, which I fear would be the effect of the general incorporation of coal companies.

The reasons thus given against signing the resolution and bill above named, I desire may be received and acted on by the Legislature, as my compliance with the 22d section of the first article of the Constitution of the Commonwealth.

One more remark will complete all that need now be said with regard to companies. The usual practice has been to grant canal and railroad corporations the privilege of entering upon and constructing their works through private property, without first ascertaining the compensation or damages to be paid to the persons injured; and in some cases, the mode of assessing and recovering the damages is extremely dilatory and unjust. Permit me to suggest to the Legislature the propriety of providing in all acts of incorporation hereafter to be granted, that no private property shall be taken, until the amount of damage sustained by each individual, shall have been first ascertained and secured. If it were even provided, that payment should be made before the commencement of actual operations on the ground, it might have the effect of preventing much destruction of private property by canals and railroads commenced, but never carried out to a state of useful completion.

The State works are sometimes also productive of injury to private property, in a way which does not admit of reparation under any general law. Houses, barns, &c., have been consumed by sparks falling from locomotives on the State rail-ways, to compensate for which the State agents possess no authority. The only relief heretofore, has been through a tedious and expensive application to the Legislature. I would suggest the justice of passing a law, authorizing the

Appraisers of Damages, to estimate the full loss suffered by any citizen, in consequence of the use of the railroads and canals of the State by the public agents, the amount to be instantly paid out of the State Treasury to the person aggrieved, on a certificate of the damages by the Appraisers, accompanied with the proper warrant.

The law of 10th April, 1835, "to graduate lands on which money is due and unpaid to the Commonwealth of Pennsylvania," will expire by its own limitation on the 10th of April next. The object of this law was to encourage the patenting of lands by proportioning the purchase money payable to the State to the actual value of the land. The end aimed at by the Legislature in passing it, has been largely attained, as will appear by comparing the amount of money brought into the Treasury from this source since its passage with that of previous years. There are, without doubt, still many tracts similarly situated with those which have obtained the benefit of the law. I would therefore recommend its further extension, not merely as an act of justice, but as one which will have a good effect on the public revenue.

The lien of the Commonwealth on the land owned by John Nicholson and Peter Baynton, has recently caused some excitement among the citizens claiming that property. It has been the practice for many years for the Governor to appoint agents for the discovery of the Nicholson land, with the general powers described in the act of 1825, on the subject. Heretofore the agents, though clothed with general powers of discovery, have confined their researches to a few tracts; but latterly, owing to the increasing value of land in the coal and other regions, they have gone into an investigation of the titles of whole sections of the State, and have thereby introduced general alarm and distrust. Under these circumstances the Secre-

tary of the Commonwealth, in whose office the reports of Nicholson agents are filed for the final action of the Nicholson Board, has, with my concurrence, adopted a more strict course of proceeding than that heretofore indulged in. The report is now required to set forth a full description of the tracts attempted to be charged with the lien, and an explicit detail of the manner in which it is intended to establish the claim of the State, so as to inform the adverse claimant of the facts necessary to be disproved. This practice, together with the rule adopted by the Nicholson Board, composed of the Attorney General, Auditor General, Surveyor General and Secretary of the Land Office, not to act on any case of this kind hereafter, except at a full Board, has already checked much of the loose proceedings of the agents, and of the excitement of the claimants. The matter is now referred to the Legislature, that such measures may be taken as shall be consistent not only with the claim of the State, but with the safety of land titles, particularly in the coal regions—a matter of far greater importance to the State than the collection of the balance of the lien. Should the Legislature decline acting on the subject, and should the excitement continue, it may become necessary to supersede the commissions of the agents as the only quieting measure in my power.

During the past season the Geological Survey of the State, commenced in the spring of 1836, has been regularly and rapidly progressing in consequence of the additional aid given by the legislature at its last session. The field of detailed operations has been chiefly confined to the portion of the State lying between the South Mountain and the New York State line, and the Delaware and Susquehanna rivers. Other portions of the State have also been explored in a general manner, preparatory to a more minute survey. It will be perceived that the operations of the season

embraces all the anthracite coal beds, and many of the rich iron deposits of the State. When the information thus acquired by the chief geologist shall be laid before the public, which will be as soon as full certainty of results and the general interests of the survey will admit, it will, beyond a doubt amply reward the patience and support of the friends of the measure.

No feature in the rich mineral formation of this State is more remarkable than the vicinity to each other of coal and iron. Frequently they form different strata of the same hill. Admitted as they are by all, to be the main elements of our wealth, it is at present hardly possible to estimate the advantages which we shall derive from the same union of them in the arts which Providence has thus formed in their position. When the attempts now making in Clearfield, Lycoming, Schuylkill and other counties, to smelt iron with mineral coal shall be successful, as they will be, as certainly as it is true that American ingenuity is equal to that of any other country, the effect will be immensely advantageous over the whole State. Not only will the hitherto barren hills and silent valleys of our mountain ranges teem with useful population, but the whole agricultural portion of the State will acquire additional value, from the consequent increased demand for provisions to supply the mining and smelting districts.—The public works will find ample employment, and a population four times our present number, will be supported in happiness, because in the enjoyment of competence produced by honorable and profitable industry.

Every attention should be paid to the full development of the resources of the State. In this point of view, permit me to bespeake your favorable reception of the memorial of the Franklin Institute, which will be laid before you on the subject of a school of

arts and mines. The object is to establish an institution to afford instruction in the application of the sciences and arts to the practical business of life, particularly to agriculture, and to teach the correct theory and practice of mining, with the sciences therewith connected. The project is of the deepest importance to the future prosperity of the Commonwealth.

It is necessary to invite the attention of the legislature to the act of 15th April, 1834, relative to the standards and denominations of weights and measures. That act expired by its own limitation on the 15th of last April, before any of the duties enjoined upon the Executive were performed. The agency of the Franklin Institute had been requested and obtained by my predecessor, and the matter has been since continued in the same well qualified hands.

The accompanying letter from the chairman of the committee, to whom the subject is now entrusted by the Institute, will explain the cause of the delay which has occurred, and the proposed cost and manner of accomplishing the object. But as nothing can be done unless the law be re-enacted, permit me to suggest the propriety of that measure.

It has been frequently a reproach to Pennsylvania, that her great staple, coal, is not used on her public works, while the neighboring States have it in successful application. Though it is not by any means certain that mineral coal, particularly of the anthracite kind, has been successfully used to generate steam any where on railroads, at least to any profitable extent, yet the object is one of paramount importance here. A few years more will so thin our forests that wood to supply our locomotive and other steam engines must become scarce. Now is a proper time to provide a substitute. All see that it must be coal. But the use of it for this particular purpose, is not

yet sufficiently understood, nor can the requisite knowledge ever be acquired by State experiments, except at greatly increased expense. I would therefore advise that inducements be held out by the State to encourage individuals to embark in the undertaking. Such a stimulus will soon effect the object.

The culture of the mulberry and the production of silk, are now known to be well adapted to the soil and climate of the State. The care of the silk worm is also suited to the other employments of the mass of our population, and the manufacture of the article will add greatly to our wealth. The legislature endeavored to promote it, by the act of 1832, authorizing the establishment of one silk company in each county. But the means adopted seem not to have produced the desired result. A company has been chartered in each of the counties of Beaver, Chester, Cumberland, Lancaster, Lebanon and Philadelphia, but without much apparent success. Nor is it perhaps desirable that they should succeed. The silk business will undoubtedly become one of first rate importance among us, and will probably be the sooner fairly established if left to the unrestrained exercise of private enterprize, properly encouraged by the Legislature. With this view, I would recommend that a small premium be offered by the State, for a limited time, on specified quantities of the article, when the production of our own soil and industry.

The accompanying memorial from the "society for alleviating the miseries of public prisons," will be read with interest, as coming from a body that has accomplished so much for humanity, in the perfection of the Penitentiary system of Pennsylvania. Their object is to carry that system into the county prisons, with the view of obviating the demoralizing effect produced by throwing the mere debtor, or the new and comparatively guiltless culprit, into the same den of

vice with the old and hardened offender. It appears that the gaols of many of the counties are very old structures; that of Delaware was built in 1724, Lancaster in 1745, York in 1749, Northampton in 1756, and those of Chester and Cumberland, at an early day.—Most of the others are constructed on the old plan, though recently built. It must, therefore be, that they are all ill adapted to the increased population and improved prison discipline of the present time. Permit me to recommend this matter to your serious attention, as one intimately connected with the moral welfare of the State.

Perhaps the best measure that could now be adopted, would be the passage of a law making it the duty of the Secretary of the Commonwealth, to collect from the Sheriffs of the different counties, and report to the next Legislature, for their action on the subject, full information of the date of building, size, interior arrangements, and discipline of all the county prisons in the State, together with the actual and usual number of prisoners, whether as debtors, persons accused of crime, or convicts; and the kind, cost, and manner of subsisting them. The occasion would also present a fine opportunity for acquiring correct and useful information as to the education, moral culture, and temperate habits of the convicts, so as to exhibit the connexion between ignorance, or intemperance and crime. In legislation on the subject, care should however be taken to exclude the idea of an intention to interfere with the rights of debtors and persons merely confined for trial, by any investigation not necessary to the administration of justice; or by the application to them of the system of involuntary labour.

The law of 6th April, 1830, imposing a State tax upon proceedings in courts, and upon deeds, mortgages, letters testamentary and letters of administration, was passed when the public revenue required ex-

traordinary expedients for its increase. The condition and future prospects of the treasury are now different. This tax was always much complained of. Paid, as the greater portion of it is, by the already distressed and impoverished debtor, or by the family of the deceased owner of a limited estate, which by the law is liable to the same tax as a large one, it falls on a portion of society which can least afford it. I would therefore recommend its repeal.

The revision of the civil code, lately closed, has introduced some new provisions into the laws of the State, which are not found to operate well in practice, and will require further legislation. By the old law of the State, debts due to a person who is himself a debtor, could not be taken in execution by his creditor. By the 22d section of the present act "relating to executions," this may be done without any limitation. It appears to me that this power over claims upon others, is calculated, in some instances, to produce great hardship. I have recently heard of a case in which the month's earnings, forming the only support of the family of a citizen thus situated, were attached for an old debt incurred while he was in other circumstances. Such an unlimited provision could only have been admitted into the law by inadvertence. I would therefore suggest the propriety of exempting a certain portion, or the earnings for a designated time, of the debtor, from execution, in the same manner as household utensils and other necessary articles are now by law exempted. There can be no loss or injustice to the creditor in such a provision, because the honest debtor will voluntarily devote to the payment of his debts, all the money he can spare from the support of his family, which no law should be permitted to interfere with. And the dishonest man, when he finds that his daily labour does not contribute to the supply of his own wants, and those of his family, will not

labour at all. So that, from the present law, little good will result to the creditor, and much evil may be entailed on the debtor's family, and on society.

I have thus recommended such measures as at present seem to be expedient and necessary. I will not now occupy more of your time, except to say that it will afford me sincere pleasure to concur in any other means, for the good of the Commonwealth, which the wisdom of the Legislature may devise and adopt.

JOS. RITNER.

Executive Chamber, Harrisburg, December 6, 1837.

To the Senate Vetoing a Bill entitled "An Act Incorporating the Buck Ridge Railroad and Mining Company, and for Other Purposes."

Executive Department,
Harrisburg, December 6th, 1837.

Gentlemen:

THE BILL NUMBERED 83, AND ENTITLED "AN act incorporating the Buck Ridge railroad and mining company, and for other purposes," was presented to me so near the close of the last session of the Legislature, that sufficient opportunity was not afforded to examine its provisions and to prepare a statement of the objections entertained against its approval and signature. I now return it to the Senate in which it originated, and beg leave respectfully to refer to the annual message this day delivered, for a full detail of the reasons which have caused me to refuse the executive signature.

JOS. RITNER.

To the Senate Returning for Reconsideration "An Act to Annul the Marriage Contract of Evan Evans and Mary his Wife, and Others."

Gentlemen:

I DEEM IT MY DUTY TO RETURN THE ACCOMpanying bill, numbered 82, and entitled, "An act to annul the marriage contract of Evan Evans and Mary his wife, and others," for your further consideration. I am aware of no cause for refusing the executive signature to the two first two sections of it; but after careful deliberation, have been able to discover no sufficient reason to justify the approval of the third.

The bill reached me on the last day of the late session, at a time when it was impossible to give it that careful attention, which a law to render void the marriage contract, should ever receive. It was not, therefore, then acted on. During the summer, the case of Mr. and Mrs. Major was fully examined. I now return the whole bill for your final action; with the remark on the two first sections, that nothing but their being coupled with the third, prevented their approval. On a former occasion, the practice of including in the same bill subjects distinct and separate in their nature, was objected to on the ground that it was embarrassing to the Executive. Permit me now to say, that it is also sometimes injurious to the interests and individuals concerned, and should therefore be discontinued.

My objections against signing the bill, so far as relates to the 3d section are:

1. Because I have been credibly informed that the alleged facts on which the divorse was asked for by Mr. Major have been disproved by his wife.

2. Because those facts, even if proved in the strongest manner, do not appear to amount to a sufficient reason for the divorce. The chief objection alleged

against Mrs. Major being an irregularity occurring after marriage, which, though certainly a great misfortune to both parties, is only such a one as may be incident to a contract "for better or worse."

3. Because on reference to the journals of last session, it appears that the application was rejected by the Senate, in which the bill originated, after full examination, and with the whole proof before that body, at a time when the matter was up for discussion separately and on its own merits; but that it was subsequently passed by both branches as an amendment to another bill, at the close of the session, and perhaps without the careful examination and full attention to the circumstances of the case which it would have received at earlier time, and if considered separately.

4. Because I have been informed by the counsel of both parties, that the whole matter is now before the proper court, on an application by the wife, for such a divorce as will secure her full alimony or support out of the property said to have been received by the husband in her right; the want of such a provision in the present bill being the main objection to its passage.

For these reasons the bill is returned, with the declaration that the whole, or any part of it, will be promptly signed, if sent to me after having received a full re-examination by the Legislature.

JOS. RITNER.

Executive Chamber, December 7, 1837.

To the Assembly Giving Notice of the Enactment of a Canal and Railroad Bill Through the Expiration of the Time for its Return by the Governor, with Certain Comments Thereon.

Gentlemen:

LATE ON THE 19TH OF LAST MONTH, I RECEIVED the Bill entitled "An act to provide for the repairs and expenses of the State canals and railroads, and continuing the work on the Erie extension and North Branch divisions of the Pennsylvania canal, and for other purposes."

The bill having become a law without the executive signature, by the lapse of time, agreeably with the twenty-second section of the first article of the State constitution, is now returned, that the necessary certificate may be affixed to it by the proper officers. Permit me, at the same time, to offer the following remarks in relation to it.

When the bill was first presented to me, I deemed it my duty, on full examination of its provisions, to withhold my approval from it, and return it, with objections, to the Senate, in which it originated. The performance of this grave task required some time, that the reasons might be fully explained to the Legislature and the people. The message on the subject was not, therefore, ready for delivery, till a few moments after the adjournment of the Senate for the day, at noon, on the day after the bill was presented to me. When that body met, on the morning of the 21st, to adjourn over the Christmas holidays, there was not a quorum present; so that I was again prevented from returning the bill, as I was anxious to do, without loss of time. In this manner, without my instrumentality, the first of January passed, before the bill could be returned. I allude to these circumstances now, for a reason which will presently be explained.

The general objections to the bill, were:

Either, that it was the only provision for the matters embraced in it, intended to be made by the present Legislature, and was, therefore, wholly inadequate to the pressing wants of the public works:

Or, that if any further appropriations were contemplated, their fate was to depend on that of others of a different character and of doubtful expediency:

And, that the bill involved a breach of the public faith, by ordering the suspension of operations on a public work, without making full provision for the payment of all the debt actually due upon it to contractors and laborers, by the State, for work done; and to farmers and other owners of real estate, for the whole amount of damage caused by its incomplete construction.

I do not claim infallibility for the estimates of the public officers, nor expect implicit compliance with executive recommendations. But, when legislation, expressly grounded on those estimates and recommendations, differs materially from them, either they must have been erroneous, or the legislation is insufficient. I am compelled to believe that the latter is the case, in the present instance.

On examining the bill, the conclusion was almost irresistible, that it was intended as the final provision of the present session, so far as it relates to the repairs of the public works. If further provision were contemplated, an equal and proportionate reduction of all the indispensable items would have been made; and such as were not of urgent necessity, postponed. But this was not done. The ordinary repair fund, whose early and certain appropriation is a matter of of the most vital importance to the use of the unfinished works, and to the revenue of the State, is reduced to a sum insufficient to pay the debts which were due on the first instant. The appropriation to the line of railroad to avoid the Columbia inclined

plane, a work which should be pushed on with all possible despatch, so as to be used early next summer, is decreased to an amount entirely inadequate to its vigorous prosecution, after paying the debts now due. The appropriation to put the feeder dams in such order as to insure a full supply of water, the want of which has been, annually, such a source of delay, expense and loss, is so small as to defeat that object. The deepening of that portion of canal south of Duncan's island dam, and the construction of additional locks, is estimated at $24,000. This work, so far as relates to the deepening of the canal, and the correspondent alteration of the present locks, which are so necessary to the profitable use of the whole main line, can only be accomplished in the winter, so as to be ready for the spring business; and yet, only $5,000 are given to it by the bill. On the Gettysburg railroad, there were $60,000 due on the first instant; or, if the retained per centage be included, $100,000. Yet the present appropriation is only $45,000.

On the other hand, works and objects whose necessities are by no means so urgent, received the full estimated amount. The whole sum required towards renewing the eastern portion of the north track of the Philadelphia and Columbia railroad, is given; though it is well known that that amount cannot all be immediately expended. The amount required for ropes, &c., the whole of which is given, will not be needed till next spring; before which time, those articles cannot be delivered on the Portage railroad, where most of them are to be used. The means to pay canal commissioners, appraisers, engineers, &c., are provided, while the fund to compensate for damage to private property, by the State works, is wholly omitted. And, finally, an appropriation is made to the Erie extension, upon which no additional funds will be required till February; while the same amount

is only appropriated to the much more urgent wants of the North Branch, on which there was $55,000 of debt due on the first instant.

This difference in apportioning the sums, could not have proceeded from any want of money: for the treasury is full. It did not arise from the desire to save interest, for though the funds of the State, out of which the appropriations must come, are at interest, yet the mere appropriation of the sums, now, will cause no loss. The greater part of the money will not be drawn from the present depositories till after the time when the balances refused by this bill must be given, if given at all, by the present Legislature.

Taking the bill thus as the final measure of the Legislature on the subject of repairs, I could not sanction it, nor allow the occasion to pass without attempting to arrest a step so fraught with ruin to the public interest next season. The rising of the Legislature without another repair bill, would set every mile of canal and railroad in the state idle before midsummer.

There could be only one other mode of accounting for this reduction of appropriations, which must be given sooner or later, if the public interest is not sacrificed. It appeared barely possible that the intention might be to make the fate of the balance of them depend on that of other doubtful projects and conflicting claims. In such a determination, I could not participate, and came to the conclusion, at once, and at the commencement of the session, when there was sufficient time to discuss the matter fully, to put the question to the Legislature, and to the people of the State, whether the soundest policy and economy do not render it incumbent upon the public agents, first, fully, and unconditionally to provide for the indispensable wants of the finished portions of the public works; and afterwards, to appropriate the balance of the public means to other proper purposes?

These impressions, viz: either that it was to be the only repair bill of the session, or, that the balances of the various items were to be involved in the fate of other matters, I am happy to avow, have been materially weakened by a full and free interchange of sentiments with many members since the adjournment. I have been assured that every desire is entertained to promote, by all proper means, the early preparation of the public works for the trade of the approaching season, and feel confident that the necessary measure will be adopted.

The adjournment has also removed the other objection to the bill. One of its provisions appropriates towards the construction of the Gettysburg railroad, "to be applied in payment of work actually done prior to the first day of January next, forty five thousand dollars; and the Canal Commissioners are directed to give notice to the contractors, to suspend their work upon the said railroad, from and after the first day of January next." Had the bill become a law, either with the executive signature, or by the votes of two-thirds of both branches of the Legislature, in December, the intention of the Legislature in ordering the suspension of operations on the first of the present January would have taken effect. But as it is, such will not be the result. In consequence of the fact, that an opportunity was not afforded to return the bill to the Senate previous to its adjournment in December, and that the bill becomes a law after the first day of January, 1838, the result is inevitable, that the "first of January next" mentioned in it, will mean the first of January, 1839, and that it must be construed and carried into operation accordingly.

This accidental circumstance, over which I had no control, and to prevent which I used my utmost diligence, is on the whole fortunate, as it will enable the Canal Commissioners to apply the sums given by the

bill, to the payment of debt on the works so far as they will extend, and will afford the Legislature a full opportunity to review their decision relative to the suspension of operations on the road in question.

For these reasons, I have been induced to allow the bill to become a law by the lapse of time; and I can assure the Legislature, that it is very pleasant to take this course instead of opposing their decision.

In connexion with the abandonment of a public work, many important considerations present themselves. The actual breach of faith which it involves, should not, for a moment, be tolerated, unless in the contingency that the State is actually unable to complete the improvements, or that the citizens of the counties concerned, and the public interest, do not require its completion. While public honor and faith mean anything, the question of the original necessity and expediency of the work must be conceded to have been settled by the Legislature that commenced it. Abandonment can only be the offspring of unavoidable public necessity, or of the wishes of all the parties interested. It should also be borne in mind, that while the damage to private property, caused by the construction of a completed and useful improvement is trifling, that of one half-finished and abandoned, must be very great. Such a course produces nothing but injury, without any benefit, and must be paid for accordingly.

Whatever may be the conclusion of the Legislature on this or any other similar question, I can never consent to any measure, having for its object the suspension or abandonment of a State work once commenced, unless full provision be at least made for the payment of every dollar of debt due, and for the full and instant compensation of all damages caused to private property.

Having thus explained my course with regard to

this bill, permit me to urge the necessity of instant and further legislation on many of the subjects embraced in it. Most of the following additional appropriations are indispensably and immediately necessary to the welfare of the public improvements; and all of them are such as must be made before the close of the session, if the public works are not to be abandoned.

The balance of the ordinary repair fund,.	$180,000
Do. to repair the feeder dams, ...	51,000
Do. for railway to avoid the inclined plane at Columbia, ...	50,000
Do. to construct additional locks and deepen canal below Duncan's Island, ...	19,000
Do. for the Gettysburg railroad, ...	55,000
Annual appropriation for damages, ...	30,000

The balance of the ordinary Repair Fund should be instantly placed at the disposal of the Canal Commissioners, not only to enable them to make the arrangements and repairs necessary for an early commencement of the spring trade, but to inform them of the whole amount to be relied on for the season's operations in this department. From the best information I can obtain, the sum already given will not pay the debt unavoidably incurred up to the 1st instant. There has not been a winter, since the commencement of the system, so favorable for making the usual repairs, as the present. Much of the necessary work has already been done—one supervisor alone has had three hundred men engaged, so anxious are the public officers to take advantage of the propitious season. A single hand can now accomplish as much work as two when frost and ice are to be contended with. If the balance of the fund be given without delay, and the present favorable weather continue a few weeks, the

canals will be in better order, and may be filled for navigation earlier than on any former occasion.

The remainder of the sum necessary to repair the feeder dams, which have been so great a source of vexation and delay, should not be withheld a moment unnecessarily. The greater part of the expense of repairing them, consists in the cost of the timber and stone used. It is well known, that contracts for furnishing these articles, must be made a considerable time before they can be delivered. These contracts should be made, and the materials on the ground at the earliest possible moment, so as to improve the first opportunity of low water, to apply them to their destined use.

The inclined plane at Columbia is necessarily maintained at a large expense to the State, which will be wholly dispensed with, when the railway around it is in use. This will also obviate the delay on that part of the road which is now so vexatious to travelers and transporters. The work on the new road is of a nature that can be nearly as readily performed in winter as summer. It is said that the whole may be completed by the 1st of July, if the full appropriation be now given. The sum set apart for it by the bill returned, is little more than sufficient to pay the debts due up to this time.

So fully convinced are the Canal Board of the speedy necessity of measures to increase the locks at Duncan's Island, that they have issued instructions to the supervisor to advertize a letting of that work, to be commenced on condition that the necessary funds shall be provided by the Legislature. All who are aware of the delays and confusion that occur at that point, in time of low water, and of the fact that the greater part of the work requisite to obviate the difficulty must be performed in the winter season, will at once see the instant propriety of a full and immediate appropriation.

In support of the balance of appropriation to the Gettysburg railroad, it need only be said, that a great portion of the money is already due, and that the remainder will barely carry on operations till the main improvement bill is passed.

The annual appropriation for damages is included in the present list, because it is a standing item of undoubted propriety, and one which should be provided for among the first, that the claimants for this kind of compensation may be assured of satisfaction from the State.

On these grounds, I would respectfully but earnestly urge upon the Legislature the immediate passage of a bill making the appropriations above specified. It is rendered imperative by every consideration of prudence, economy and patriotism. It is merited, I may be permitted to say, in behalf of the public agents, by the manner in which the different divisions were managed, and made to produce revenue during the past season. And it is required, in order to make such preparations as will maintain and increase the high character which the "Pennsylvania route" has acquired.

The time has arrived when some systematic course of legislation for the annual support and progress of the State works, can no longer, with safety, be dispensed with. The principles on which it should be founded are simple and obvious.

We have an incomplete system of canals and railroads, constructed at the expense of a debt so vast that its permanent increase cannot now be thought of. Neither will it be just to perfect it by a general State tax, because the benefits of the system are not, and never can be, as general as the tax. Some other resource must be discovered.

Though the system, as a whole, is incomplete, yet portions of it, especially a chain of canal and railway

from Philadelphia to Pittsburg are finished and in operation. This must be our reliance.

All the care and energies of the public agents should be devoted to the keeping in the most perfect repair, and to the most economical and efficient management, of the finished portions of the public works, for the purpose of making them yield an income equal, in the first place, to the interest of the State debt and to the annual cost of repairs; and in the second place, to the gradual progress of the incompleted portions to a state of perfection. That this is practicable, the operations of the past season, even under every disadvantage, will show. The same, or an improved system of management, (for I am aware that it still requires improvement), will produce wonderful results next season, if the public agents be not crippled for want of means. And in two years, the works will not only clear themselves, but aid materially in the completion of the whole system.

Under this impression, permit me to offer for consideration the following rules for appropriation to internal improvement purposes, with the remark, that so essential do I esteem them to the good of the State, that they shall hereafter be my principles of action on the subject, so far as the recommendatory powers of the Executive extend.

1st. That ample provision be made, annually and early in each session, for the repair and improvement of the finished portions of the public works, unconnected with any other matter, so as to insure the greatest possible income from them; and,

2d. That the balance of the public means applicable to the purposes of internal improvement, be devoted to the completion of the unfinished portions, before any further considerable undertakings of a like kind are commenced.

In adherence to these principles, unless I am very

much mistaken, the general interests of the whole State will find their best support; and the unfinished branches and extensions, their surest means of speedy completion.

JOS. RITNER.

Executive Chamber, Harrisburg, January 9th, 1838.

To the Assembly Transmitting a Resolution of the Legislature of Rhode Island Concerning the Admission of Texas into the Union, with Certain Comments Thereon.

Gentlemen:

IN ACCORDANCE WITH THE REQUEST OF the Governor and Legislature of the State of Rhode Island, I have the honor to transmit for your consideration, the accompanying resolutions adopted by the Legislature of that State relative to the admission of Texas into the Union.

Permit me to say, that while we, as citizens of a non-slave-holding State, should studiously disavow the intention, and avoid the appearance of intermeddling with the institution of slavery in such States of this Union as labour under the misfortune of its existence; yet, that a moral obligation rests upon us to oppose, by every constitutional means, the spread of the evil in this Union. The other dangerous consequences to be expected from the annexation of Texas, set forth in the Rhode Island resolutions, are certainly great and alarming, but this is the most serious of all. The present is a most proper juncture for Legislative and other expressions of public opinion on the subject.

The project, if seriously countenanced at all in this State, has been either generally concealed or disavowed by all parties. The public mind is therefore

open to sound reasoning and prepared for right action on the subject.

In addition to the claims upon your attention which the matter possesses, as coming from the Legislature of a sister State, its own grave import, and the suitableness of the present time for action, seem to demand an expression of the opinion of the citizens of this State upon it, through you, their representatives.

JOS. RITNER.

Executive Chamber, Harrisburg, January 11, 1838.

To the Assembly Concerning a Silk Manual.

Gentlemen:

HEREWITH, YOU WILL RECEIVE THE COPY of a letter, addressed to me by Messrs. Edward P. Roberts and Samuel Sands, of Baltimore, Maryland, relative to the publication and distribution of a Silk Manual. One copy of the Manual was received with the letter, and has been placed in the State Library, for the inspection of such members as may wish to examine it. It purports to contain directions for sowing, transplanting and raising, and for propagating the mulberry tree, with instructions for the culture of silk, and other useful matter. The whole is embraced in a closely printed pamphlet, of 72 pages.

I have not had time, nor do I possess the requisite knowledge on the subject, to ascertain whether the work contains all that its title promises; but if it do, of which I have no doubt, it is of great value to the public. You will perceive that Messrs. Roberts and Sands offer to furnish any number of copies, exceeding two thousand, at twenty-five cents each, for gratuitous distribution by the State. If the book should be

found, on perusal, by persons conversant with the subject, to contain the requisite information, it is my opinion that its dissemination would be proper.

JOS. RITNER.

Executive Chamber, January 15, 1838.

To the Assembly Transmitting Certain Documents.

Executive Department,
Harrisburg, March 7, 1838.

Gentlemen:

THE ACCOMPANYING RESOLUTIONS OF THE Legislature of Ohio, protesting against the admission of Texas into the Union, have been transmitted to me by the Governor of that State. I have deemed it my duty to submit them for your information.

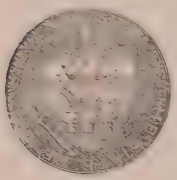
JOS. RITNER.

[DOCUMENTS OMITTED.]

Proclamation of the Election of George M. Keim, as a Representative of Pennsylvania in the Congress of the United States.

Pennsylvania ss.

[Signed] Jos. Ritner.



IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the Judges of a special election held in the Ninth Congressional District composed of the county of Berks in this Commonwealth on Thursday the eighth day of March instant, in pursuance of a writ issued by me on the twelfth day of February last under the authority of an Act of the General Assembly passed the eighteenth day of February, in the year one thousand eight hundred and five; it appears that George M. Keim was duly elected to serve as a Representative of this state in the House of Representatives of the United States, to supply the vacancy occasioned by the resignation of Henry A. Muhlenberg, Esquire. And whereas, in and by one other act of the General Assembly passed the ninth day of June in the year one thousand eight hundred and thirty-two, it is made the duty of the Governor on receipt of the returns of election to declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district: Now Therefore, I have issued this

proclamation hereby publishing and declaring that the said George M. Keim is duly elected and chosen a Representative of this State in the House of Representatives of the United States during the remainder of the time for which the said Henry A. Muhlenberg was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburg, this fifteenth day of March, in the year of our Lord One thousand eight hundred and thirty-eight, and of the Commonwealth the sixty-second.

By the Governor,

Tho. H. Burrowes,

Secretary of the Commonwealth.

To the Senate with Regard to the Valley Creek Bridge.

Gentlemen:

HEREWITH IS TRANSMITTED A COMMUNICATION from the Board of Canal Commissioners, relative to the Valley Creek Bridge, on the Columbia and Philadelphia Railroad, recently destroyed by fire.

Permit me respectfully to urge the necessity and propriety of immediate action on the subject. If seconded by the Legislature, the prompt measures already adopted by the board, will obviate the effects of this unfortunate accident in the shortest time possible. The talents and energy of the Engineer of the line, under whose care the Duncan's Island Bridge was so speedily and substantially rebuilt, together with those of the Superintendent of the road, afford every assurance to the public, that not an hour will be wasted in restoring to the trade and travel of the State, this im-

portant link in the chain of her works. It is understood that the new bridge is proposed to be constructed without a roof, and with a double track. This will remove the danger which existed in regard to the old one.

At this point of the road, the bridge was exposed to more risk than at any other. A very sharp curve occurs in its immediate vicinity, which, together with the fact, that the bridge is located, not on a level, as in other cases, but on a steep grade, renders it unavoidable for engines going in one direction, to keep on full steam, and consequently, to emit as many sparks as on the open road. Danger from this cause will therefore be almost entirely removed by the absence of a roof—while a double track will prevent a loss of power by enabling each engine to pass over without holding up.

JOSEPH RITNER.

Executive Chamber, April 2, 1838.

[DOCUMENTS OMITTED.]

To the Senate Vetoing "An Act Incorporating the Offerman Railroad and Mining Company."

Gentlemen:

I AM COMPELLED TO RETURN THE BILL ENtitled "An act incorporating the Offerman Railroad and Mining Company," without the Executive signature.

It will be recollected that, at the commencement of the present session, a bill, passed by the preceding Legislature, incorporating eleven coal companies, was returned to the Senate. The Offerman Coal company was embraced in that bill, under the title of the Buck Ridge Coal company. The objections at that time entertained, have since been neither removed nor di-

minished. They were then stated against the whole number, collectively; but were felt against each, separately. They are, therefore, now repeated, as my general reasons against the incorporation of coal companies:

"1. Because the incorporation of companies, of any kind, to accomplish objects within the reach of private enterprize, is a departure from the good old and safe rule of legislation in Pennsylvania.

"2. Because the mining of coal, though it may have required the enlarged powers of corporations to commence and carry it into successful operation, at the beginning of the coal trade is a business now well understood, and profitably pursued by thousands of private citizens, whose rights and interests will be injured by the exercise of corporate power and competition.

"3. Because the law authorizing and regulating limited partnerships, presents all the opportunity for the investment of capital, without risk to the remainder of the owners' property, and for combined operation by individuals, now necessary to prosecute this or any other branch of private business.

"4. Because the desire to form coal companies, is generally produced by the mere spirit of speculation, or by some plan to dispose of a particular tract of land to great advantage; and not by the intention of real investment in this particular branch of business, or of carrying it on as a means of gaining a livelihood.

"5. And above all, because I feel the utmost repugnance against any project that may have the influence of crippling or monopolizing the great coal trade of Pennsylvania, which I fear would be the effect of the general incorporation of coal companies.

But there are, also peculiar objections against this particular bill:

It contemplates the formation of a company, for mining and dealing in coal, in a region already opened by individual enterprize, and traversed by railroads; and in which the coal trade is fully established.

It confers privileges and powers, unusual and dangerous to the great coal interest of Schuylkill.

The two thousand acres of land authorized to be held by the company, may consist of ten different tracts, in Norwegian and Bane townships, which townships comprise a large proportion of the coal region of the county.

From each and every one of these tracts, the company may make a railroad; and they may hold lots or landings (not exceeding three acres each), at every point desirable for their business. Privileges of this kind, wielded by the combined influence of corporators, backed with a capital of three hundred and fifty thousand dollars, are not only not desirable, but would form a dangerous interference in the active and flourishing coal trade of Schuylkill county.

Another objection to the bill, is found in the ambiguity of the third section. It is open to such a construction as would permit the company to engage in the general business of making and selling "cars, boats, engines and machinery," though it is presumed that the intention of the Legislature was, to confine them to the construction of those articles exclusively for their own use.

For these reasons, I am constrained to return the bill. I had hoped to escape the necessity of further action of this kind, on the subject of coal companies. It was under this expectation, that the Stafford company bill was recently permitted to become a law, without the Executive signature. So strong were my objections to this kind of incorporation, that I could not sign that bill, though it was much less objectionable than most others of the class; but, in deference

to the Legislature, adopted the middle course. I should be rejoiced, if a sense of duty permitted the like expedient now. But it does not. I therefore return the bill, believing that the Legislature, in adopting the course designated by the Constitution, will duly appreciate my motives.

It is proper for me to state, that my objections are not against railroads or canals, necessary to carry coal to market. It will, on the contrary, afford me pleasure to co-operate in their formation, so that the rights of the individuals through whose land they pass, are properly guarded, and their property fully paid for. But, in the words of the report on the coal trade of Pennsylvania, made to the Senate on the 4th of March, 1834, by Mr. Packer, I believe that there is, at this day, no greater necessity for conferring corporate powers upon a class of men to mine coal, than there was at that day (1806), to enable a society of carpenters to plane boards, or of farmers to plough their lands.

JOS. RITNER.

Executive Chamber, Harrisburg, April 5, 1838.

To the Assembly Opposing the Abandonment of the Public Domain to the State within whose Borders it may lie as Proposed by Arkansas.

Gentlemen:

IN COMPLIANCE WITH THE REQUEST OF THE Executive of the State of Arkansas, the accompanying preamble and resolutions are transmitted for your consideration.

It is scarcely necessary for me to express the decided opposition entertained against the abandonment of the national domain to the States within whose

limits it may happen to lie. A property acquired by the common blood and treasure of the whole nation is the property of all the States, no matter where it may be situated. As well might Pennsylvania require for her own use the customs collected within her commercial metropolis, as Arkansas demand the lands in question. From the fact that they are the property, not only of all the States, but that every citizen in the nation has an interest in them, I have always thought their proceeds peculiarly applicable to the purposes of general education, and look forward to the time when that use will be made of them, at least by this State.

JOS. RITNER.

Executive Chamber, April 10th, 1838.

[DOCUMENTS OMITTED.]

To the Assembly returning an "Act to Provide for the Repairs and to Continue the Improvements of the State and for Other Purposes," with the Governor's Signature but with Certain Strictures Thereon.

Gentlemen:

AFTER MATURE DELIBERATION, I HAVE signed the bill, entitled "An Act to provide for the repairs, and to continue the improvements of the State, and for other purposes." In announcing the performance of this most unwilling act, justice to the State, and to myself, compels me to explain the reasons that influenced me, and to make known the line of conduct that will be pursued in carrying the provisions of the bill into operation.

This bill appropriates:

To State works, repairs, &c., ...$1,382,044 18
To State roads and bridges, ... 116,300 00

To turnpikes, ...	159,000 00
To company canals, and railroads, ...	295,000 00
	$1,952,344 18

The objections against the measure are:—

1st. The magnitude of the sum appropriated.—There will be only between $1,300,000 and $1,400,000 of a probable unappropriated balance in the Treasury during the year, after deducting the sums appropriated to other purposes since the beginning of the session. Under such circumstances, neither the present appearance of the times, nor the dictates of common prudence, seem to justify the appropriation of $1,952,344.18.

2d. The injurious effects of the measure on the future prospects of the public works.—If the practice once become permanently fastened upon legislation, connected with the improvement system, that no public appropriation shall or can be made, without an offering of a large portion of the Commonwealth's means to private undertakings, it is impossible to calculate when any one of the State works will be completed and productive.

3d. The commencement of new State works, before the completion of those now in progress. It may, I am aware, be said, that the only really new works authorized by the bill, are the extension of the West Branch Canal, the Kittanning navigable feeder, and the Wiconisco Canal, forming, altogether, a distance of about forty miles, and involving, ultimately, the expenditure of a million or a million and a quarter of dollars. But, it should be borne in mind, that that sum would go for towards completing the Erie or the North Branch canal, and would more than complete the Gettysburg railroad; and would thus render prof-

itable works now wholly unproductive, in the prosecution of which the State has already so deeply involved herself.

4th. The unequal and unusual manner in which the funds of the State are scattered among a great number of local objects.—If it were proper, at the present time, to aid the different local projects and improvements of the Commonwealth, which is by no means admitted, the principle should be carried into practice, equally to every county, in proportion to its population and other claims. The local appropriations of this bill, though they are profuse and various, are not made on this principle.

5th. The absence from this, or any other bill of the Session, of a provision to pay an existing and pressing claim against the State. Last summer, when the public works were in the utmost need, and the honor of the State required it, the Bank of the United States agreed to advance two hundred thousand dollars, at four per cent. for one year, under a resolution of a previous session, though not compelled to do so, by the terms of the resolution. That money has not been repaid, and I cannot, for a moment, suppose, that the omission to make provision for it by the Legislature, is owing to anything but accident. If it is, it is the first instance, in the history of Pennsylvania, of a neglect to pay or secure a former debt, before contracting others.

6th. The mode provided in the bill to meet its excess of appropriations, beyond the means of the Treasury. —With unquestioned power in the Legislature, to compel one of the State banks to advance the money to the Commonwealth, at four per cent., it is with no little surprise, that I find a section, authorizing the Governor to borrow six hundred thousand dollars, at any interest he may see fit to give. Whatever truth there may be in the alleged instances of bank influ-

ence, he who would suspect a friendly leaning to the institution in question, in this case, would have at least appearances in his favor. For, when it is recollected, that the duty to loan to the Commonwealth a specified sum, at four per cent., when required by law, is a part of the bonus agreed to be given for her charter, the conclusion is almost inevitable, that refraining from compelling her to do so, proceeds, not from hostility, but friendship; she at least will so understand it; and it will be difficult to convince the people of the State, that agreeing to pay a much higher rate of interest for money, when it can be had at four per cent., is an act consistent with the best interests of the Commonwealth. It would be, in fact, bestowing the difference on the bank in question, were the provision fully executed, and would be justly considered a real subserviency to bank interest.

These objections to the bill, under ordinary circumstances, would be conclusive to my mind; but the circumstances of the present juncture, are not of an ordinary character.

In the first place, it will be recollected that most of the reasons now stated against the policy of this measure, were contained and published among those which caused me to refuse the Executive sanction to a bill, similar in principle, though more objectionable in many of its features, at the close of the last session. They were fully before the people at the succeeding general election; and though they then seemed to meet with the approbation of public opinion, yet it was necessary that they should be ratified by the concurrence of the people's representatives. They were again declared, at the commencement of the present session; and repeated, on one occasion, since. I have thus done my duty; and though more fully convinced now, than I was twelve months ago, of the soundness of the opinions then advanced, yet it seems that the decision of the people, constitutionally expressed by their repre-

sentatives, is different. I, therefore, feel bound to bow to public opinion, thus expressed.

While I make this avowal of acquiescence, I desire to be most distinctly understood as maintaining an unchanged opinion on the subject of the State debt, and of the public improvements; and I wish it to be known, that so long as I shall continue in my present station, I will, on all occasions, adhere to the opinions and principles heretofore expressed, and will make them the rule of my conduct; unless, as in the present instance, I shall be overruled by the wish of the people, legitimately made known. I make this public avowal now, that, hereafter, there may be no misunderstanding on this head.

But, in the second place, though the reason just explained is the main one which has decided my course, it is not the only one. Others have had their influence.

The defeat of the present bill, which would render improbable the passage of any other on the subject, at this session, would deprive the public agents of a repair fund, and would, therefore, throw idle, for the greater part of the season, the whole line of canals and railroads. The responsibility of such a result, I would be slow to assume; and, while I admit this, it is due to myself to repeat, that such a state of things was foreseen, at an earlier period of the session. The dilemma then apprehended, was attempted to be guarded against. Whether my want of success in that attempt, will eventually be for good or evil to the Commonwealth, it is for the future to decide. It is now obvious, that the only choice presented, is between signing a bill with appropriations to companies and to new works, and encountering the risk of having no provision, whatever, made for the repairs of the State works.

Another strong inducement to sanction the bill, is found in the fact, that it is now two years since any provision was made to continue the public works.

In the mean time, contractors, laborers, and others concerned, have suffered much, independent of loss to the State, by the continued unproductiveness of the capital already invested in the unfinished lines.

The depressed state of trade and business generally, and the consequent want of employment for mechanics and laborers, also present strong reasons against hoarding up the funds of the Commonwealth. Their expenditure now, will have a most happy and beneficial effect on the prosperity of the State and her citizens, and should remove much of the repugnance entertained against the mere manner of the distribution.

For these reasons I have determined to sign the bill; and in coming to this conclusion, I rejoice, exceedingly that I have been spared the necessity of using the veto power; a power whose exercise is only less unpleasant than the sanctioning of an act deemed wrong in itself.

I shall now briefly state certain difficulties which may arise in carrying the bill into operation, and the manner in which they will be treated if they should occur.

There are two classes of appropriation embraced in the act; one to State works now in progress, and the other to company and other objects. To the former, on account of their priority of claim on the faith of the State (being made to meet contracts long in existence), and their general interest to the whole community, I shall, so far as my control over the treasury extends, concede a priority of payment out of the public funds. The latter will be postponed to them; but if there are funds enough to discharge both fully, both will be paid.

To meet these two descriptions of appropriation, it appears to have been the intention of the Legislature, that two classes of funds should be applicable, viz: the proper resources of the State Treasury, and the pro-

ceeds of a temporary loan of six hundred thousand dollars. If this loan be actually received, it is presumed that the joint funds will be sufficient to meet all the appropriations. But there is a possibility that the loan cannot be negotiated. In this case, in accordance with the rule of precedence above mentioned, many of the appropriations of the second class will not be paid.

That such a result is possible, if not probable, will appear from an examination of the section authorizing the loan. It is in these words—"Section 12. The Governor of this Commonwealth is hereby authorized to borrow, on a temporary loan, any sum of money, not exceeding six hundred thousand dollars, and to give the necessary certificates therefore; and the same shall be repayable at such time as shall be agreed on at the time of making said loan, out of any money then in the Treasury, not otherwise appropriated."

With respect to this section, two things are to be kept in view: 1st.—That it authorizes only a "temporary loan,", which I understand to be a loan repayable within one year from the date of its negotiation. And I would here remark, that if it contemplated a permanent loan or increase of the State debt, the bill could not receive my signature.

2d.—That the rate of interest is not designated; but inasmuch as the Legislature had it in their power to obtain the money at four per cent., I shall not hold myself authorized or required to give more than that rate.

Under this view of the requirements of the section, I will immediately take the proper steps to ascertain whether the loan can be negotiated on the terms now stated. If the attempt be successful, which I very much doubt, then the various subscriptions to the stock of the different companies named in the bill, will be forthwith made, and the money paid in accordance with the provisions of the act; if not, I shall not feel

authorized, as Governor of Pennsylvania, to affix the name of her Chief Magistrate to a contract which I know cannot be fulfilled.

After a careful examination of the law, and a comparison of its various provisions with each other, and with my views of duty to the State, this is the conclusion at which I have arrived.

The liberality of the Legislature to the companies embraced in the bill, could only have been intended as conditional, depending on the negotiation of the "temporary loan." Any other construction would attribute to the Legislature the design to make a contract which, possibly, might be violated. This idea cannot, for a moment, be entertained; much less can it be supposed that it was their design to sacrifice the existing contracts on the public works, to the indulgence of their liberality.

In conclusion, permit me to say, that it is due to the honor of the State, and to all interested in this bill, that its provisions should be fully and faithfully executed. This can be accomplished certainly and promptly, by compelling the Bank of the United States to take the loan, under her charter, at four per cent. That measure is accordingly recommended, together with a provision for the repayment of the sum already due.

JOS. RITNER.

Executive Chamber, April 14, 1838.

*Proclamation of Reward for the Apprehension of the Incendiary or Incendiaries Engaged in the Burning of Pennsylvania Hall in Philadelphia.

Pennsylvania ss.
[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas I have learned with the deepest regret that the soil of Pennsylvania has been disgraced, the rights of her peaceful citizens outraged, and their property destroyed by acts of lawless riot. For the first time the orderly city of Philadelphia has become the theatre of scenes heretofore only contemplated at a distance as dangerous excesses on the part of others. They have now been enacted in our midst and assumed a form most destructive of property, and domestic quiet, the

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*DOCUMENTS IN CONNECTION WITH THE PROCLAMATION.

Philadelphia, 5th mo. 17th, 1838.

Joseph Ritner,
Governor of Pennsylvania,
Harrisburg:

Esteemed Friend:

The Pennsylvania Hall, which on the second day of this week we dedicated to "Liberty" is surrounded by a furious Mob. We have consulted the officers of our City. They declare themselves unable to protect us in the rights which they admit are clearly our own.

Free discussion if it exists at all in Philadelphia, must do so, with the Torch of the incendiary at the threshold, and the knife at the throats of its advocates. The right of peaceably assembling guaranteed to us by the constitution is no longer ours.

Shall this state of things continue? Shall Philadelphia be given up to anarchy? Will PENNSYLVANIANS permit our beautiful City, their pride as well as ours, to be subjected to the despotism of a furious Mob? We ap-

most inimical to individual rights, and the most ruinous to social harmony and public order that can be conceived. The torch of the incendiary has been ap-

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peal then to thee as the chief Magistrate of this State, to interpose in our behalf, we ask this for protection.

Respectfully thine, &c.,
Signed by direction of the
Board of Managers of the
Pennsylvania Hall association,
SAMUEL WEBB.

Phila., 5mo. 18th, 1838.

Joseph Ritner,
Governor of the Commonwealth of Pennsylvania,
Harrisburg:

Esteemed Friend:

Before our letter of yesterday could have reached thee, our beautiful Hall was forcibly entered and destroyed by the mob. Our own persons are in danger. Our lives are not safe. Our dwellings have been threatened. Last night about 10 o'clock, I had to take my children into my arms and flee from my own house! in my native city!! If our City and County authorities have the inclination they have not the power to suppress this bold, wicked, unlawful attack upon the friends of liberty. What shall we do? Must we leave our own State and flee to another for protection? Surely the great State of Penna. has power sufficient somewhere to protect her peaceable inhabitants. Let us hear from thee soon that we may know what we may depend upon.

Respectfully thine, &c.,
SAMUEL WEBB.

P. S.:

Since writing the above, we have reason to believe that if relief be not afforded immediately, the entire colored population of this City are in danger of being murdered.

Philada., May 17, 1838.

Gov. Ritner:
Dear Sir:

While I write, the Pennsylvania Hall is in flames having so I learn been fired by a mob which obtained possession of it during the evening. I think it my duty to recommend that you immediately issue your Proclamation offering a very liberal reward for the discovery and conviction of the perpetrators of this outrage. Distinct as it is from all considerations of prudence on the part of those who occupied this building the Executive duty is clear It is the first time Philadelphia has been thus disgraced. Promptitude is essential. If you agree with me, the proclamation should issue at once and the reward be proportionate to the enormity of the offence. I will write again to-morrow. The morning papers will contain some details.

In haste,
Truly yours,
WILLIAM B. REED.

I will to-morrow write an official letter on the subject.

Philad'a, May 18th, 1838,
Office of the Attorney General.

Sir:

I consider it my duty without delay officially to communicate to you information in relation to a flagrant violation of the law and public order which occurred in this City last evening. The Pennsylvania Hall, a building erected by private contributions and being private property, was last night attacked and set on fire by an organized mob. It is now in ruins.

I recommend the subject to your immediate and attentive consideration

plied by unmasked violators of law, in the darkness of night, in the heart of a crowded city, and for avowed purpose of preventing exercise of Constitu-

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and am confident that such measures will be taken by the Executive as the occasion seems to require.

I am very resp.,
Y'rs,
WILLIAM B. REED.

His Exc'y,
GOVERNOR RITNER.

Thomas H. Burrowes, Esq.,
Secretary of the Commonwealth:

Philad'a, May 20, 1838.

Dear Sir

I have this moment received your letter of yesterday. I shall lose no time in communicating to the Sheriff of the County and Mayor of the City the Governor's Wishes, and immediately advise you of the result.

In the meantime I renew the recommendation that a Proclamation be issued offering a reward for the discovery and conviction of the perpetrators of the outrages of the 17th and 18th insts. When that is done some hopes may be entertained of ascertaining who the guilty are. At present all suspicions are completely repressed. I consider it due to the character of the Commonwealth that the opinion of the Executive should be thus expressed. The amount I suggest is $1,000. This may be safely offered and less would not answer. I would confine it to the Acts of the 17th, but extend it to the 18th also, when the Orphan Asylum was attacked and fired.

With great regard,
Y'r obdt. Serv't,
WILLIAM B. REED.

Letters reach me in the evening only when sent by private hands.

Office of the Attorney General,
Philadelphia, May 24, 1838.

Thomas H. Burrowes, Esq.,
Secretary of the Commonwealth:

Sir:

Immediately on the receipt of yours of the 19th, I addressed letters to the Mayor and Sheriff of this City and County of which I enclose a copy (A).

I received the enclosed answer (B) from the Mayor yesterday, and the letter (C) from the sheriff this evening. I lose no time in forwarding them for the Governor's examination.

I am very resp.,
Y'r,
WILLIAM B. REED.

A.

Office of the Attorney General,
Philad'a, May 21, 1838.

To John Swift, Esq.,
Mayor of the City of Philadelphia:

Sir:

By a letter received this evening from the Secretary of the Commonwealth dated at Harrisburg, 10th inst., I am requested to obtain from you certain information relative to the recent disturbances in this City. I hasten to communicate to you an extract from the Secretary's letter.

"The Governor does not conceive it to be his duty to interpose his authority in every case of gross violation of right because of its enormity; nor to suppose that the local authorities and the usual process of the law are inadequate to cope with crime because of excitement connected with it. He desires to believe because such ought to be the case that the authorities of

tional and inviolable right of "the free communication of thoughts and opinions." And Whereas, If it be true that "even error of opinion may be tolerated while

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the City and County of Philadelphia are able to protect the citizens and preserve the peace of the State.

He therefore desires you as the Attorney General of the Commonwealth to ascertain from the Sheriff of the County and the Mayor of the City what steps have been and will be taken to apprehend and punish the perpetrators of this enormous outrage.

The Governor also enjoins it on you to remind the Sheriff and Mayor of their duty to the State and to public justice in this matter. Let them recollect that mobs will surely become overpowering if left unopposed and that the only hope to check and break their spirit is in the beginning."

It appears from this letter that the action of the Executive has been solicited with a view to detect and punish the perpetrators of the recent violations of the public peace, and that he only hesitates from a fear that any interposition on his part may interfere with the action of the local authorities.

I will thank you for an early answer to the Governor's enquiry as to the measures which have been taken to detect the perpetrators of the late disgraceful outrages

I am very Resp.,
Y'r ob'dt servant,
WILLIAM B. REED.

P. S.: It is I presume scarcely necessary for me to proffer to you my official services in prosecuting any investigations that may be instituted.

B.

Mayor's Office, May 23rd, 1838.

To Wm. B. Reed, Esq.,
Sir:

As to my seeming neglect in not answering yours of the 21st inst. until now, permit to assure you that up to this moment I had not a minute I could call my own.

To the suggestions contained in your letter I answer, that for all ordinary or even extraordinary outbreaking of the people, I consider the Police of the City sufficiently strong either to check or to subdue them, but in relation to the late much to be regretted scene, I must say that no Police that I could have mustered, would have been able to check or put it down. It appeared to be the varied act of an indignant and insulted people and all my efforts (and I did all in my power both to prevent and to subdue it) proved unavailing.

As good order now prevails, I shall of course, make no new arrangements in my Police, but for the actors on the occasion, I shall do everything in my power to ferret out and bring them to justice.

I am,
Yours very respectfully,
JNO. SWIFT.

C.

Philad'a, May 24, 1838.

To William B. Reed, Esq.,
Attorney General of the State of Pennsylvania:
Sir:

I have the honour to enclose you a letter addressed to his Excellency, the Governor in reply to the inquiries made by him through you in reference to the late disorders in our City.

reason is left free to combat it," the practice of combating supposed error with the fire-brand, or of punishing even crime without the established process of

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I beg you will do me the favour assure him that I have seized the first opportunity to comply with the request contained in your favour of?

I have the honour to be, Sir.
With high respect,
Y'r obd. Serv't,

JN. G. WATMOUGH,
High Sheriff of the City and County of Philad'a.

To His Excellency,
Joseph Ritner,
Governor of Pennsylvania:

I have the honour to acknowledge the receipt of an extract from a letter addressed to the Attorney General by the Secretary of the Commonwealth and I take the earliest moment I have been able to spare from the execution of the duties imposed upon me by the unusual excitement into which our City has been thrown, to furnish so far as in my power, the information which your Excellency has called for.

It ought to be generally known that, except his four Deputies the High Sheriff of the County of Philadelphia has not a man upon whom he is specially authorized to call for aid in the discharge of his duties, nor has he a single dollar, except what he pays from his own purse which he has the right to expend for the preservation of the public Peace. His power consists and consists only in the disposition which in almost all cases exist, among the people themselves, to support the officers of the Law, and when that disposition unfortunately fails, the Sheriff will find himself without the means to suppress any considerable assemblage of violent or turbulent persons.

His power is therefore purely a moral one and results from the most beautiful principle in the theory of our Laws. It is not, however, now a question whether the Sheriff should be left in this situation, nor whether adequate means should not be placed at his disposal to accomplish this all important object, independent of the prejudices or the passions of the surrounding crowd. If it were it is presumed, but one opinion would be found to exist. The scenes of last Thursday night left a deep and withering impression upon my feelings. I was shocked and grieved as much at the apathy manifested by the large mass of citizens who calmly witnessed those scenes, as at the conduct of the lawless mob who put all restraint human and divine at defiance. Of the disturbance of the previous night, I had not received the slightest intimation, nor was I informed that anything serious was looked for, until noon of the Thursday upon which the Burning took place. I proceeded to the ground forthwith, I found the Hall occupied—many respectable citizens standing about the door in front and passing in and out, a few noisy boys in the street and a large number of highly respectable citizens occupying the opposite pavement. I saw nothing that the City authorities were not fully competent to regulate and control; while there I was informed that the Board of Managers of the Hall had gone to my office to confer with me; I met them accordingly at half-past one o'clock with my friend and legal adviser, Henry J. Williams, Esquire, and heard for the first time a full detail of all that had occurred and of all that was anticipated. I regretted that a longer period had not been allowed me to collect an able and efficient body of men to stand by me at all hazard, and promised to do all in my power to remedy the loss of so much precious time. These truly respectable men then said that I need not make myself uneasy upon that point, as they would pledge themselves that there should be five hundred ardent young men on the spot before seven o'clock, upon whom I might place full reliance. With this assurance we parted, my own mind entirely at ease. Between four and five o'clock I took my stand upon the ground. The crowd

law must be the very essence of the worst of tyranny. And Whereas, It is the duty of the Magistrate to protect all in the exercise of their constitutional rights,

had increased; but the mass of respectable citizens, with very many of whom I was personally acquainted, had not diminished; there was much talk and some excitement as night approached the crowd continued to increase. I saw standing near me one of the High Constables, and took it for granted that the ground was fully occupied by his men. Between seven and eight o'clock, I observed the Mayor of the City coming out of one of the doors of the Hall fronting on Sixth Street. He advanced near or into the street and made some remarks to an unruly crowd that gathered about him, to which they replied by a few cheers and much noise. Almost immediately afterward this very mass that had cheered him, moved in a body to the alley on the north side of the Hall. About this time a letter was handed to me by a young gentleman named Wise, in the name of the committee which had met me at noon at my office, the purport of which was, to inform me that they declined doing anything further in defence of their Property. He at the same time stated that they had surrendered the keys of the Hall to the City authorities in whose possession they then were. It was now about eight o'clock and night had closed around. In a few moments, I heard a general shout, followed immediately by a crash of the windows in the alley. I repaired to the spot and found the work of destruction had commenced. I called upon the bystanders to follow me and rushed into the midst of the rioters, I endeavoured honestly to redeem the pledge I gave when I entered upon the duties of my office, I failed in my efforts, I found myself with the exception of one brave man whom it delights me to name, Mr. Thomas Connell, alone amid hundreds. I arrested with my own hands some ten or a dozen rioters, among them one sturdy blackguard engaged in forcing the doors with a log of wood, and a youth with a brand of fire in his hands; they were either forcibly rescued from me or were instantly let loose again by those into whose custody I gave them; I appealed in vain for assistance, no one responded to me Mr. Connell proclaimed my presence in a loud voice. He alone appeared to feel that the sacred duty of the free citizen was and ought to be deemed paramount to all other considerations. Prejudice and madness held sovereign sway. The Laws were trampled in the dirt, and I was made the sport of an atrocious mob. I will not pretend that I encountered the risks that threatened me from sympathy for those who had perhaps too rashly braved the public feeling in reference to their course. I am slow to appreciate that course of conduct that merges the public good in the maintenance of principles deeply affecting private Rights and Constitutional Compact. Pride of opinion forms no part of my Christian Creed. The lowly patience and unaffected humility of the Saviour ought to teach a different lesson. If Time and Truth, with the practice of the humbler virtues will not effect the results aimed at, obstinacy and pride and agitation will surely never attain them. Yet I must be allowed to express my admiration at the fortitude which reposes upon the sanctity of Law, and the conviction of honest purposes. With me, however, these matters were not in question, to protect the rights and property of the citizen was my official duty. It was much more, it was a sacred point of honour. The means which the Laws placed at my disposal proved vain and futile. Prejudice and passion destroyed them at a breath. If the Freeman resists the appeal of his own constituted authorities to preserve the peace and order of Society no matter under what impulse, the great experiments in favour of Civil Liberty and human rights made in the formation of our Government, falls to the ground, and the mournful cry of "Woe to Jerusalem" will soon be heard within our own Walls.

I continued upon the ground until the Pennsylvania Hall was a smouldering ruin, and then only withdrew when the probability of no further damage to the neighboring buildings was likely to ensue. I was taught a melancholy lesson at the expense of the purest principle in the Theory of our In-

without respect to the question whether their respective objects be or be not agreeable to himself or others, so long as their deportment is peaceful and their object lawful.

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stitutiers; I determined to profit by it. It was found on the following day that the perpetrators of the outrage upon the laws the preceding night were not to be satisfied by one attempt; other portions of the City and County were threatened and I determined to provide at my own cost other means than those which had been trusted to and found insufficient.

I mounted my horse and employed videttes to keep me informed of every movement; at the head of a body of brave and active spirits, the City was traversed from the Liberties on the North to Southwark.. In the neighborhood of the Exchange a fine body of Citizen Volunteers stood prepared for every emergency nor were they finally dismissed until late on Sunday night. Four strong detachments occupied as many different posts on the Northern borders of the City, and in the neighborhood of threatened points. The order, promptitude and obedience of all these brave men who felt that too deep a sacrifice to unruly passions had been already made, entitle them to the thanks of their fellow citizens, and to my deep and lasting gratitude. The former, I am sure they will receive, the latter I beg them to accept.

The Injury done to the Asylum in Thirteenth Street, I deeply deplore. I would have made any personal sacrifice to prevent it, if I had only been informed that such a place existed within the limits of the County. I had never even heard of its location, and was engaged in providing for the safety of the Temperance Hall in the Northern Liberties when the cry of Fire reached my ears. I ran with the utmost speed to the point and reached it in time to witness the success of the brave determination of Philadelphia Firemen. Early on the following morning I took possession with an efficient force of the Avenues leading and the grounds adjacent to this Asylum. From that moment it was placed beyond all manner of danger. The means I have employed for the last five days I shall hereafter continue to retain within my reach and am confident to be able to rally within an hour's notice. I must be allowed to add that the public at length appeared to take a just view of the danger that had threatened them, and rallied round the officers to aid and support them. With the exception of Thursday night I have found them on all occasions able and willing to join in every effort to sustain the Laws. I feel confident that any attempt hereafter to commit further violence will be easily and speedily suppressed. With regard to the apprehension of the authors of the late outrage every effort within my power, shall be made to discover and punish them. Many individuals are already in custody. So deep and abiding has been my desire to remedy the first evils and anticipate future ones, that for the last five nights I have remained in my saddle until broad daylight of the following morning.

I have conceived it proper to make this full statement to your Excellency that I may not be deemed derelict in duty or unmindful of the safety, honour and welfare of our Country. I trust I shall ever be keenly sensitive upon the first point, and I am perfectly sure I shall always be willing to lay down my life for the maintenance of the second.

I have the honor to be,
Sir, with great respect,
Y'r obdt. Serv't,
JN. G. WATMOUGH,
High Sheriff of the City and County of Philad'a.

Phila., May 24, 1838.

At a special meeting of the board of Managers, of the Pennsylvania Hall, 5 mo. 18th, 1838, Unanimously resolved that Charles Wise be appointed our messenger to the Governor of the State to communicate to him our own

And Whereas, It is the duty of the Governor of this Commonwealth "to take care that the laws be faithfully executed," especially in cases whose enormity transcends the magnitude of common guilt. Therefore, for the purpose of promoting and securing the apprehension of the wrong-doers in the premises, I, Joseph Ritner, Governor of the said Commonwealth, do hereby offer a reward of five hundred dollars for the apprehension and conviction of each and every person engaged in the burning of the building called the Pennsylvania Hall in Sixth Street, in the City of Philadelphia, on the night of Thursday, the seventeenth instant, or in setting fire to the building called the Orphans' Asylum on Thirtieth Street, in the said City, on the night of Friday the eighteenth instant, to be paid on the due conviction of each and every of the persons aforesaid. And all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the person or persons guilty of the crimes aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg this twenty-second day of May, in the year of our Lord one thousand eight hundred and thirty-eight, and of the Commonwealth the sixty-second.

By the Governor.

Tho. H. Burrowes,

Sec. of the Commonwealth.

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exposed condition, and that of the colored population, in consequence of the threats of an infuriated mob now raging in this City.

WILLIAM McKEE, Sec'y Pro Tem.

Charles Wise is requested to refer the Governor to two letters forwarded to him previously. Also, To inform the Governor that the Mayor and Sheriff explicitly declare that they have not sufficient force at their disposal to protect us from the violence of so numerous a mob.

*Proclamation Offering a Reward for the Apprehension of Joseph McCormick, charged with the Murder of Pliny D. Wells, Deputy Sheriff, of Allegheny County.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that a certain Joseph McCormick, late of the County of Allegheny, stands charged with having atrociously murdered a certain Pliny D. Wells, also late of the said county, whilst in the execution of his duty as Deputy Sheriff; and having fled from Justice, all efforts to

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*DOCUMENTS RELATING TO THE PROCLAMATION.

Pittsburgh, 24 June, 1838.

Dear Sir:

I consider it my duty to apprise you of an atrocious Murder which was perpetrated in this county by a man named Joseph McCormick, on the 20th instant upon the body of Pliny D. Wells whilst in the execution of his duty as Deputy Sheriff.

At the March sessions of our county court McCormick had been indicted for an outrageous assault and battery alleged to have been committed by him upon the person of one William S. Graft. Process was issued, but as the defendant was a desperate fellow, and was known to have armed himself and to have sworn that he would not be taken, no township constable could be found with sufficient nerve to undertake his arrest. He accordingly remained at large until last week, when the June term of our Quarter Sessions commenced, and another indictment was presented by the Grand Jury against McCormick and others for a conspiracy, false imprisonment, &c., in consequence of a second outrage committed upon the same man Graft. Accordingly on Wednesday last (the 20th inst.) the Court directed process to issue for the arrest of McCormick. Mr. Wells, who was reputed to be one of our most resolute city police officers, was deputed by the sheriff in company with William Skiles, our Gaoler, to go after McCormick. They imme-

arrest him by the officers of justice have hitherto proved ineffectual: And whereas, it is due to the majesty of the law, the reputation of the government,

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diately started from town, both armed, but were unfortunately separated when Wells saw the defendant in a corn field about 8 miles from town. Wells advanced upon McCormick and commanded him to surrender. A scuffle ensued, and McCormick stabbed the officer with his dirk twice in the right breast between the second and third ribs. Mr. Skiles then came up and having made the defendant a prisoner, started with him on foot and brought him alone about four miles on the road to Pittsburgh, having in the mean time used every effort but in vain to obtain assistance, or even a rope to tie him. The prisoner, taking advantage of Skiles' exhaustion, made a desperate effort and broke away from him. The officer snapped his pistols at McCormick repeatedly but they missed fire, and the latter was thus enabled to escape.

As soon as the intelligence reached Pittsburgh, the Sheriff started with an armed posse, and although they have been in pursuit ever since and hand bills widely circulated offering a reward of $200 for the apprehension of the Murderer, I regret to say that every effort to capture him has proved unavailing.

I therefore consider it proper to communicate the facts to your excellency and to suggest the propriety of your issuing your Proclamation, offering such reward for the arrest of Joseph McCormick as you may deem proper. In my opinion, not less than $500 should be offered, because the fellow is a man of desperate courage, and I have reason to believe is well provided with the means of resistance.

Enclosed you will find a copy of the Sheriff's advertisement giving a description of McCormick's person.

Very faithfully, &c.,

W. W. IRWIN.

GOV. RITNER.

P. S. I had almost forgotten to say that Wells survived his wounds but a few minutes.

$200 REWARD.

STOP THE MURDERER!!!

THE above reward will be paid for the apprehension of

JOSEPH McCORMICK,

Of Robinson township, Allegheny county, who this day murdered PLINY D. WELLS, whilst in the discharge of his duty as Duputy Sheriff of this county.

The Murderer is about 25 years of age, round shouldered, slim, but well made, and about 5 feet 7 inches in height, fair complexion, light brown hair, and has a small piece bitten out of the top of one ear. When he escaped, he was without a hat or coat, and had on a shirt borrowed from a neighbor, and a pair of dark pantaloons [supposed to be gray cassinet]. Said McCormick has recently been wounded in the back with a dirk, in the effort to arrest him. The above reward will be paid for his arrest and confinement in any jail where he may be secured for safe keeping, so that he can be placed in my possession.

ANDREW BAYNE,
High Sheriff of Allegheny Co., Penn'a.

Pittsburgh, June 20, 1838.

NOTE IN THE HAND OF GOVERNOR RITNER.

Let a reward be offered for the apprehension of Joseph McCormick for the murder of P. D. Wells.

June 28th, 1838.

the peace and security of its citizens, and the obligations of justice and humanity, not only that offenders should be brought to punishment, but that the officers of justice should be protected in the performance of their disagreeable and dangerous duty, and that all who persist should be brought to speedy and condign punishment, I have therefore thought proper to issue this proclamation, hereby offering a reward of two hundred and fifty dollars to any person or persons who shall apprehend the said fugitive within the county of Allegheny and secure him in the jail of the said county; and the sum of five hundred dollars if the said offender shall be apprehended and secured in the jail of any other county of this Commonwealth, or if he shall be apprehended and secured without the limits of this state—which sum shall be paid on the conviction of the perpetrator of the crime aforesaid. And all judges, justices, sheriffs, coroners, constables, and other officers within this commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after, and bringing to justice the alleged perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-eighth day of June, in the year of our Lord one thousand eight hundred and thirty-eight, and of the commonwealth the sixty-second.

By the Governor,

I. Wallace, Deputy Secretary of the Commonwealth.

N. B. The murderer is about 25 years of age, round shouldered, slim, but well made, and about 5 feet 7 inches in height, fair complexion, light brown hair, has a small piece bitten out of the top of one of his ears; And he has been recently wounded in the back with a dirk. He is represented to be a man of desperate courage.

Proclamation of the Election of Representatives in the Congress of the United States.

Pennsylvania ss.
[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, in and by an act of the General Assembly of this Commonwealth, entitled "An act to provide for the election of Representatives of the People of this State in the Congress of the United States," passed June the ninth, one thousand eight hundred and thirty-two, it is made the duty of the Governor on the receipt of the returns of the election held in the several Congressional districts in this Commonwealth to declare by Proclamation the names of the respective persons returned to him as duly elected in each district. And whereas, the returns of the General Election held on Tuesday, the ninth day of October, instant, in and for the district for members to serve in the House of Representatives of the Congress of the United States for the term of two years from and after the fourth day of March next, have been received in the office of the Secretary of the Commonwealth agreeably to the provisions of the above recited act, whereby, it appears that in the first district composed of East and West Southwark, Moyamensing, Passyunk, Kingsessing, Blockley, Penn Township, Germantown, Roxborough,

and Bristol, in the county of Philadelphia, Lemuel Paynter has been duly elected. In the second district composed of the city of Philadelphia, John Sergeant and George W. Toland have been duly elected. In the third district composed of the residue of the county of Philadelphia, Charles Naylor has been duly elected. In the fourth district, composed of the counties of Delaware, Chester and Lancaster, Edward Davies, Francis James and John Edwards have been duly elected. In the fifth district, composed of the county of Montgomery, Joseph Fornance has been duly elected. In the sixth district, composed of the county of Bucks, John Davis has been duly elected. In the seventh district, composed of the counties of Northampton, Monroe, Pike and Wayne, David D. Wagener has been duly elected. In the eighth district, composed of the counties of Schuylkill and Lehigh, Peter Newhard has been duly elected. In the ninth district, composed of the county of Berks, George M. Keim has been duly elected. In the tenth district, composed of the counties of Lebanon and Dauphin, William Simonton has been duly elected. In the eleventh district, composed of the county of York, James Gerry has been duly elected. In the twelfth district, composed of the counties of Adams and Franklin, James Cooper has been duly elected. In the thirteenth district, composed of the counties of Cumberland, Perry and Juniata, William S. Ramsey has been duly elected. In the fourteenth district, composed of the counties of Mifflin, Huntingdon and Centre, William W. Potter has been duly elected. In the fifteenth district, composed of the counties of Columbia and Luzerne, David Petriken has been duly elected. In the sixteenth district, composed of the counties of Union, Northumberland and Lycoming, Robert H. Hammond has been duly elected. In the seventeenth district, composed of the counties of Susquehanna, Bradford, Tioga, Potter and McKean,

Samuel W. Morris has been duly elected. In the eighteenth district, composed of the counties of Bedford, Somerset, Charles Ogle has been duly elected. In the nineteenth district, composed of the counties of Westmoreland and Indiana, Albert G. Marchand has been duly elected. In the twentieth district, composed of the counties of Fayette and Greene, Enos Hook has been duly elected. In the twenty-first district, composed of Washington County, Isaac Leet has been duly elected. In the twenty-second district, composed of the county of Allegheny, Richard Biddle has been duly elected. In the twenty-third district, composed of the counties of Clearfield, Jefferson, Armstrong and Butler, William Beatty has been duly elected. In the twenty-fourth district, composed of the counties of Beaver and Mercer, Thomas Henry has been duly elected. In the twenty-fifth district, composed of the counties of Crawford, Erie, Warren and Venango, John Galbraith has been duly elected. Now Therefore, I have issued this proclamation hereby publishing and declaring that Lemuel Paynter, John Sergeant, George W. Toland, Charles Naylor, Edward Davies, Francis James, John Edwards, Joseph Fornance, John Davis, David D. Wagener, Peter Newhard, George W. Keim, William Simonton, James Gerry, James Cooper, William S. Ramsey, William W. Potter, David Petriken, Robert H. Hammond, Samuel W. Morris, Charles Ogle, Albert G. Marchand, Enos Hook, Isaac Leet, Richard Biddle, William Beatty, Thomas Henry, and John Galbraith have been returned as duly elected in their several congressional districts before mentioned, as Representatives of the People of this State in the House of Representatives in the Congress of the United States for the term of two years, to commence from and after the fourth day of March next.

Given under my hand and the Great Seal of the State at Harrisburg, this thirtieth day of October,

in the year of our Lord, one thousand eight hundred and thirty-eight, and of the Commonwealth the sixty-third.

By the Governor,

Tho. H. Burrowes,

Secretary of the Commonwealth.

Proclamation announcing the Adoption of the Constitution of 1838.

Pennsylvania ss.

[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, Charles B. Penrose, Esquire, Speaker of the Senate of Pennsylvania, did on this day, in compliance with the requisition of the tenth section of the Act of the General Assembly, passed on the twenty-ninth day of March, Anno Domini one thousand eight hundred and thirty-six, entitled "An Act providing for the call of a Convention to propose Amendments to the Constitution of the State, to be submitted to the People thereof for their Ratification or Rejection," delivered to me as Governor of the Commonwealth a certificate setting forth the number of votes given on the ninth day of October, One Thousand Eight hun-

dred and thirty-eight, for, and the number of votes given against the Amendments proposed and submitted to the people of this Commonwealth on the day last aforesaid and by the Commonwealth which was held in pursuance of the Act of Assembly above named:

And whereas, it appears from the number of votes summed up and ascertained in said certificate that One hundred and thirteen thousand nine hundred and seventy-one votes were given for the said Amendments, and One hundred and twelve thousand seven hundred and fifty-nine votes were given against said Amendments, showing a majority of One thousand two hundred and twelve votes for the said amendments.

Therefore, I, Joseph Ritner, Governor of this Commonwealth have caused this proclamation to issue, and in pursuance of said act of Assembly do hereby declare that the said amendments have been adopted by the Freemen of this Commonwealth, and that they are to go into operation and be in force in the manner and at the time set forth and named in the said amendments and the Schedule thereto annexed.

Given under my hand and the Great Seal of the State at Harrisburg this eleventh day of December in the year of our Lord one thousand eight hundred and thirty-eight, and of the Commonwealth the sixty-third.

By the Governor,

Tho. H. Burrowes,

Sec. of the Commonwealth.

Annual Message to the Assembly—1838.

Fellow-Citizens:

THE ANNUAL MESSAGE TO THE LEGISLATURE was prepared on the 4th inst. for presentation. But the scenes of confusion which then commenced and which continued to disgrace the seat

of government till a few days ago, prevented its delivery. In transmitting it now, I feel compelled by every motive of official duty as chief magistrate, and of patriotism as a citizen, to preface it with a brief detail of the facts connected with the recent outrage, and to call upon you, as you love order and your rights and venerate the institutions of your country, to adopt every possible means to prevent the recurrence of similar disorders.

On the day appointed by the constitution for the meeting of the legislature, the members of the House of Representatives attempted to organize that body; but owing to a dispute relative to certain returns, two Speakers were chosen, and two Houses organized. This was, however, done peacefully, and if the members of both branches had been left in the free exercise of their minds and their rights, the difference probably would soon have been settled. But when, in the afternoon of the same day, the annual session of the Senate was commenced, a mob of lawless and daring persons were found to be in attendance, who attempted to influence and dictate the course to be pursued by that body. Certain members were admitted to seats, in accordance with the known laws of the state, but in opposition to the will of these persons. As soon as this was done the lives of Senators and others were threatened, and loud cries were heard commanding the Senate to reconsider its vote and admit other claimants to seats. To such height did this scandalous outrage proceed, that the Senate adjourned in confusion, and some members of the legislature and others were compelled to escape from the chamber, unknown to the mob, to save their lives.

The rioters, under their leaders, some of whom were Federal Government officers, then took possession of the Senate chamber, and desecrated it by their insurrectionary harangues, in the course of which, and af-

terwards at other places, it was announced that a revolution had commenced. They then adjourned to the court house, where the most inflammatory speeches were made, and the most dangerous proceedings took place. Next day, and for some time afterwards, the Senate did not meet for want of a quorum—the members not deeming it safe to appear in their seats, or proper to attempt to legislate in the presence of the rioters who filled the capitol. On the same day also, when one of the portions of the House of Representatives attempted to meet, the member who had been deputed to act as Speaker, was prevented from taking the chair, and violently ejected from the hall by the mob.

In the meantime, a body called a "Committee of safety," had been appointed by the rioters, and seemed to exercise unlimited control over them. They made the most inflammatory appeals to the citizens of the state at a distance, and, when a small guard had been placed by the keeper and by my orders in the arsenal, to prevent the public arms from falling into the hands of rash or ill-disposed persons, they were compelled to evacuate the building under terms dictated by the mob, with the concurrence of the "Committee of safety." During the occurrence of these disgraceful events neither branch of the legislature could hold a regular session, the Executive Chamber and State Department were closed, and confusion and alarm pervaded the seat of government.

In this fearful state of affairs I felt it my duty to issue a proclamation, calling on all the civil authorities to exert themselves for the restoration of law and order, and on the militia to keep themselves in instant readiness to march to the seat of government to suppress the violence. I also issued an order on the Major General of the first division of the State militia, to march his command to Harrisburg forthwith, and

made a requisition on the commanding officer of the U. S. troops at Carlisle, to bring his force to the aid of the constituted authorities. At the same time the President of the United States was informed of the state of affairs, and required to take such steps under the fourth section of the fourth article of the Constitution of the United States as might seem proper. This last named measure was adopted, that if matters proceeded to extremity, it might appear that every proper and possible precaution had been resorted to by the Executive.

The result of these several application are known to you. With regard to that made to the Federal Government, I will not now speak, further than to say, that having made it in the regular and Constitutional discharge of official duty, I felt bound, as Chief Magistrate of Pennsylvania, to protest against the reception it met with, and the highly improper reply made to it.

Fortunately, however, the appeal made to the citizen soldiers of the Commonwealth was heard, without doubt of its necessity or delay in obedience.

The presence of Major General Patterson's, and subsequently of Major General Alexander's commands, completely accomplished the object in view. Their numbers were sufficient to frown down every thing like open violence, while their correct and soldierly deportment obtained the confidence of the moderate of all parties. Under protection of their presence, the members of the Legislature were free to settle their own differences in their own manner. With regard to the result of their deliberations of course I, as an Executive officer, can express no opinion. My only duty was to take measures to ensure its accomplishment, by the free agency of the members themselves, and when that was effected to dismiss the military force.—This has accordingly been done, and the hope is sin-

cerely entertained that a resort to similar protection may never again be required.

To the citizens of the State generally, the events of the past three weeks are fraught either with instruction or fearful omen, as they may be treated. If from them we learn the danger of departing from law and right, even in the slightest degree, or to accomplish the most desirable object, and if all make up their minds hereafter, to frown upon every originator or advocate of such insurrectionary movements, the lesson will be invaluable, and the present disgrace productive of lasting benefit. But if a repetition of the outrage be countenanced and mob threats become the rule of legislation, then it requires little political sagacity to foretell the speedy downfall of our liberty, and the complete prostration of all rights. The desperado who enters a legislative Hall to-day with his bullies, to compel the admission of a particular member, will assuredly, and perhaps on the morrow, demand the passage of a law to promote his private interest at the expense of others. Nor will it be long before he uses the same means in a court of justice, to escape punishment or cheat his neighbor. Then the difference between guilt and innocence, the value of title deeds, and the sacredness of all rights, will be only nominal. Might will be right, and the minority and the timid, slaves.

The evil effects of the late disorder will, I fear, be immediately felt in the pecuniary credit of the commonwealth, unless you, her representatives, act promptly and efficiently. Well may capitalists and creditors doubt the faith of a community to them, when that community is faithless to its own dearest rights. It therefore becomes your imperative duty, gentlemen, not only to your posterity and majesty of the laws, but to yourselves and your own immediate interests, to say to the world that similar outrages

shall not again take place, and that what has happened is the work of only a few desperate men, and not of the people of this great State.

This, it seems to me, can be accomplished by the enactment of severe laws against all riotous or violent proceedings at the Seat of Government, during the session of the Legislature, and by compelling the county or counties whose citizens shall be originators or ringleaders of such proceedings, to pay all the loss caused by them, and expense incurred in their suppression.

It will also be proper to revise the acts of Assembly relative to election returns, and to render the mode of making them so plain that no one can misunderstand or evade them. In their existing shape, there is some difficulty in arriving at the true intent of the Legislature. In the present case, I have not the slightest doubt but that the duties of the proper executive officer, with regard to the disputed returns, was legally and faithfully performed. But the subject is one of such vital importance, that the law should be rendered perfectly plain, and every shadow of doubt removed.

I am clear in the opinion, that the whole of the late difficulties arose from the return judges assuming powers never intended to be delegated to them. They are merely ministerial officers. Their duty is only clerical, and consists exclusively in adding up and declaring the whole vote polled for each candidate within their district, and making return thereof to the proper officer. The law gives them no power to reject or exclude the vote of a district, or part of a district. It is from the unauthorized assumption of such dangerous power, that the whole of the recent disturbances proceeded. I would, therefore, recommend the infliction, hereafter, of the most severe penalties, on similar usurpations.

I shall now proceed to lay before you the message as it was prepared to be transmitted on the 4th inst.

Many subjects of great interest will occupy the time of the Legislature at its present session.

The radical alterations which have taken place in the Constitution, impose duties that will necessarily claim your first attention. The people have willed the change, and it is the duty of representatives to carry out and perfect its details.

Of prominent moment among the new features in our organic law, is that which relates to the right of suffrage. It consists in—a residence of one instead of two years within the State; of ten days actual residence within the district in which the elector offers to vote, (which was not required formerly), and of the payment, within two years, of a tax actually assessed on the voter at least ten days before the election. There are also other changes, chiefly declaratory of passages in the old Constitution, which were not clearly expressed in that instrument, and which do not require recapitulation.

For years, much abuse and evasion of the constitutional provisions, and of the laws relative to voting, have been supposed, by many citizens, to exist. The present occasion will afford an opportunity to guard, as far as it can be done, this inestimable right from violation. Another reason now demands more strict and specific legislation. The number of officers to be directly chosen by the people, will give to the elections more of interest, and to each individual vote more of present and local value than they formerly possessed, and will consequently subject the power of the individual voter, which has now, in a great measure, become the direct appointing power, to greater danger from fraud and mal-practice than heretofore, when its influence was more remote.

Under these circumstances it is the first duty of the Legislature to form such a code of laws for the regulation of elections, as will cause their results to

be known and respected as the honestly expressed will of the majority, and also to place around them such guards as shall completely preserve peace and order during their progress.

Both these desirable objects may be accomplished by defining and establishing, beyond cavil or evasion, the evidence of the qualifications required by the constitution, to be possessed by every elector, and by ensuring the punishment of all violations of the peace at elections.

Two qualifications in addition to citizenship (which is as heretofore), entitle to a vote. First, residence; second the payment of a state or county tax. The constitutional provisions with regard to neither can be changed nor affected by the legislature; but the mode of establishing the fact that these qualifications are really possessed, in other words, the evidence, can.

I would propose then, that general residence in the state for and during one year next before the day of election, may be proved, as heretofore, by the oath of the party offering to vote, if there be any doubt on the subject. This mode must necessarily be relied on, or the voter be perhaps deprived of his right, for in many cases he might not be able to offer any other proof: But that the particular residence for ten days, if doubted by any qualified citizen of the district, shall be established by the oath or affirmation of a resident taxable citizen of the district, who shall have already voted at that election, and not by the oath, or affirmation, of the party himself; and that the party himself shall be obliged to swear or affirm, if required, that his bona fide residence, in pursuance of his lawful calling, is in the particular district,—that he, at the time of voting, has no other residence or home,—and that he did not remove into it for the purpose of obtaining a vote therein.—There could be no hard-

ship in such provisions, nor could they deprive any of their just rights, inasmuch as no one could possibly reside during ten days in one district without such fact being known to at least one of its resident citizens. Neither would it be oppression to require disinterested proof of actual residence, in the mode proposed, because it would only be demanding the best proof the nature of the question admits of, which is done in every other case.

Equally strict proof of the assessment and payment of taxes should be exacted in all instances.

In case of persons claiming to vote on tax assessed and paid within the district for the current year, the assessor's corrected list, or a certified copy of it, should be the only evidence of assessment. But to prevent all altering of, or tampering with assessor's lists, a certified copy of the list in each township should be published by being put up and exposed at the house at which the election is held, nine days previous to the day of election. This would both enable each person constitutionally entitled to a vote, to have himself addressed on the day before the list is completed, and would also present an opportunity to the whole district of examining the lists of proposed voters and of taking means to prevent imposition.

And in cases of a right to vote claimed on an assessment for a former year, within two years next preceding the election, and within the district, no other proof should be admitted than the assessor's list of the proper year, or the published copy of it just described, which might be preserved for such use from year to year, by being taken down at the end of the election by the inspector, and sealed up in one of the ballot boxes by the judges, with a certificate to that effect endorsed on it by the inspector.—The correctness of such a document could not be questioned.

To guard against illegal voting by persons assessed and having paid tax out of the District, they should be required to give their names to the assessor, to be by him put up, at least nine days previous to the election, at the election house, appended to the list of assessed taxables before described, that all persons might have an opportunity of knowing the names of those who intend to vote; and an original receipt for the tax, from the proper Collector of the district in which it was paid, should be produced at the time of voting. The hand writing of the Collector should also be proved, by some disinterested person, before a known justice of the peace or alderman, and a minute of such proof endorsed on the receipt.

If to these restructions with regard to tax receipts, which have been the ready means of much fraud, were added one that no receipt whatever shall be competent to prove payment of tax, unless it express on the face of it the year for which it was assessed, and that no tax assessed more than two years previous to, though actually paid within two years of the election, shall entitle to a vote, there would be little room for evasion or violation of the Constitution. I deem this latter provision proper, as well as necessary, because I suppose it to be the intent of the Constitution, that the tax must not only have been paid but assessed within the time named, and that during that period the voter must have contributed to the support of the Government under which he lives. Assessment and payment of tax being both required, it is fairly presumable that they were intended to occur, not only in, but for the period, or at least part of the period, designated by the Constitution.

To preserve order at elections, I would recommend that it be made the duty of the constable of each ward, borough or township within which any election is held to lodge information before some justice of the

peace or alderman thereof, of the names of persons engaged in any assault, battery, intimidation, riot, or other breach of the peace, at and during the day of such election, and to return as witnesses, on the part of the Commonwealth, the names of such persons as were assaulted, beaten, intimidated or otherwise injured, or of such other persons as were cognisant of the facts, who, with the parties accused, shall be bound over to appear at the next court of quarter sessions, or Mayor's court, as the case may be: that any constable neglecting or refusing for 24 hours to lodge such information, on being required so to do by the party injured, or by any three qualified voters of the district, shall, upon complaint before a justice of the peace or alderman, and proof of such requisition and neglect, be fined in the sum of fifty dollars; that the party or parties found guilty by the proper court of such assault, battery, intimidation, riot or other breach of the peace, shall be sentenced to pay the costs of prosecution, and be confined in the proper county gaol, not less than six calendar months; and that it shall be the duty of the proper court before whom each constable makes his quarterly return, to examine him expressly whether the elections held in his district were peaceably conducted, and if he report, or if it be otherwise proved, that they were not, and that he failed to institute the requisite proceeding, then to inflict the foregoing fine on the constable.

And to secure, as much as possible, the purity of elections, I would strongly recommend the passage of a more effectual law against betting on elections, which practice forms the very worst and most pernicious species of gambling. Betting and gaming of other kinds only injure the parties themselves, but this inflicts a wound on the rights of all, and destroys that confidence which every citizen should feel in the decisions of the ballot-box. I would therefore urge that,

whenever thereto required by any voter of the district, or whenever he shall think it necessary, the inspector of each election shall cause any person offering to vote, to declare on oath or affirmation whether he is or is not directly or indirectly interested, either as principal, partner or stakeholder, in any bet on the result of any election to be held on that day; and if he admit that he is, or if he decline to answer, then to refuse such person his vote, and to cause the clerks of the election to make a minute thereof on the list of voters.

These provisions, together with one more effectually to prevent the highly improper and corrupting interference in our State elections of Federal Government office holders, it is believed would effectually check the spirit of fraud, disorder and betting which is rapidly compelling all good men to doubt the fairness of their results, and to fear for the permanency of a government dependant on them. We owe it to ourselves now, while reform and correction are within our power, to apply them. We owe it to the cause of virtue and republicanism—we owe it to our posterity. I accordingly again earnestly urge upon the legislature the adoption of the foregoing provisions, or of others calculated to produce the same effects.

Beside making provision that elections shall be constitutionally, fairly and peaceably held, it will also be your duty to prescribe the manner of election and return of the additional number of officers to be chosen directly by the people under the new Constitution. These include all county officers, with justices of the peace and aldermen.

With respect to county officers, it will also be for you to declare how many persons shall hold them, and how many officers may be held by the same person in the different counties. It will also be your duty to classify the associate judges of the State, in the manner prescribed by the ninth section of the schedule.

On examining the amended Constitution, it appears that the people have designated the offices which they desire to fill by direct election; they have also specified those that are to be filled by Executive appointment or nomination. But there are others for which no positive provision is made—the mode of filling which is to be determined by the legislature. These are—auditor general, surveyor general, secretary of the land office, attorney general, superintendent of common schools, canal commissioners, appraisers of damages, adjutant general, notaries public and inspectors of flour, spirits, tobacco and other articles. It is fair to presume that these officers were neither intended to be elected by the people, nor appointed by the Executive, or it would have been so expressed; and that they were to be left within the power of the legislature. It will therefore be incumbent on you to make provision for the mode and time of their appointment.

The business of the Secretary of the Commonwealth, as superintendent of common schools, has so much increased within the past three years as seriously to embarrass that officer. I would, therefore, recommend the separation of the two offices, and the establishment of a department of education. This can be done without increasing the number of officers, for those of surveyor general and secretary of the land office can, with great ease, be filled by the same person, and may be consolidated into a general Land Office Department.

The condition of the means provided by the State for general education is so flourishing, that little is required to be done by the present legislature. Within three years the permanent State appropriation to this object has been increased from $75,000 annually to $400,000; for the latter sum will be required next year to meet the increase of taxable citizens from

308,919 to 350,000, which will probably be the number returned (though probably not more than $300,000 will be actually called for), and to pay the annuities to colleges, academies and female seminaries, which will not be less than $50,000. Nor will this large outlay have been without its fruits. Instead of seven hundred and sixty-two common schools in operation at the end of the year 1835, and about seventeen academies (the latter in a state of almost doubtful existence), with no female seminaries fostered by the State, she has now five thousand common schools, thirty-eight academies and seven female seminaries in active and permanent operation, disseminating the principles of literature, science and virtue over the land. In addition to these, there are many schools, academies and female seminaries of a private character, equally useful and deserving in their proper sphere.

Of the one thousand and twenty-seven townships, wards and boroughs now in the State, each intended to form a common school district, eight hundred and seventy-five have accepted the common school system and have it in operation, and seven hundred and eighty-six have received their portions of the State appropriation for the present school year, commencing on the first Monday of June last. The number of accepting districts goes on steadily increasing, and the usefulness and economy of the system, where fairly tested, are becoming every day more apparent.

All that now seems requisite to the complete success of the sytem is, that some immediate and efficient means be adopted for the preparation of common school teachers. This subject was fully explained in the last annual report of the superintendent, and will be again embraced in a revised draft of the whole school law which that officer will shortly lay before you. Permit me to bespeak for it your favorable consideration, and to hope that this last want of the system may be supplied.

I would also recommend that the power of school directors on the subject of taxation, be curtailed. When they were by law authorized to assess a school tax equal to thrice the amount of state appropriation coming to the district for the year, the whole amount of appropriation was only half what it now is. Perhaps absolute power of taxation in directors to that amount was then necessary; but it is not at present. I would therefore recommend that directors shall not hereafter, in any case, impose more tax on their district than a sum equal to its portion of state appropriation, unless by consent of the people, in the same manner as additional school tax is now authorized, viz:—by vote of the majority of the citizens.

The public works of the state will require your immediate and careful attention.

The canals and rail-roads in operation, yielded, under the most disadvantageous circumstances, an increased revenue during the fiscal year just closed. The amount of tolls was $991,252.42. This income is a most decisive proof that her claims of improvement are on the eve of amply remunerating the state for their vast cost. The amount of tolls for the year would, under ordinary circumstances, beyond a doubt have been a million and half of dollars. This will be credited when it is borne in mind that fully one half of the regular trade of the main line was lost to the state during two-thirds of the navigable season, in consequence of the breach on the Juniata, and that, to retain the balance, the Canal Commissioners found it necessary to take the toll off ninety miles of the most profitable part of the remainder, viz:—between Huntingdon and Duncan's Island, to which, if the distance from Huntingdon to Hollidaysburg be added, the distance thus unavoidably rendered wholly unprofitable was one hundred and twenty-nine miles. Still the works yielded, and it is a triumphant proof of their

value and productiveness, little short of a million dollars within the fiscal year. The income from them the present year may, in a view of these facts, with perfect safety, be estimated at one million six hundred thousand dollars, with a favorable season.

The completed canals and rail roads, except part of the upper portion of the Juniata division, have been kept in the best state of repair, and have been almost uninterruptedly in use during the year. The Columbia and Philadelphia rail road paid $210,393.91½ in addition to maintaining the motive power and defraying the cost of repairing the road and supervision, or a sum about equal to seven per cent. on the whole cost of construction and of locomotive engines.

By an unavoidable accident, the wooden bridge over Valley creek, on the last named improvement, was burned in March. With unparalleled despatch, a temporary bridge was completed in its place in nineteen days, and in the meantime nearly all obstruction to the trade was obviated by wagons employed by the State agents. A beautiful and permanent bridge without roof or cover over the road way, and with double track, is now completed and in use. It is a decided improvement to the road. The cost exceeds by $2,218.13½ the original estimate by the engineer, owing to the fact that the temporary structure was more expensive than was at first anticipated; an appropriation of that amount will accordingly be required to enable the proper officer to pay the final estimate and close the account.

It is a matter worthy of inquiry, whether the roofs of most of the larger bridges on this road could not be dispensed with, and a double track laid on each, at small cost to the state. It would, beyond a doubt, form a great improvement, by wholly removing all danger from collision of trains, and decreasing very greatly the risk of total loss of the bridges by fire. It

is believed that the present structures, with some additional timbers and slight alterations, could be made to answer this purpose by being lowered below the level of the roadway.

Experience on this road for the past two years, has completely removed all doubt as to the use and management of steam as a motive power, by the state agents. The year just closed, exhibits a balance in the motive power fund of the road, of $30,231.80, after defraying all claims of the year upon it. A nearly similar state of things exists on the Allegheny Portage rail road. The motive power toll paid all claims upon it, with the exception of about $1,000, though subjected to much expense that will not hereafter arise, caused by the increased number of locomotives used during the year, which of course made many preparatory arrangements necessary that will not be again required, and which were calculated for an amount of business that was not realized.

Another most valuable result of the experience of the year on the Columbia and Philadelphia rail road, is the complete success of the trials to use anthracite coal as a fuel for the generating steam in the locomotive engines. The invention of Mr. Brant, the master machinist at Parkersburg, has completely effected this desideratum. Thus, by the use of one of our chief staple commodities, the state will save a large amount yearly—will add to the certainty and despatch of the use of her roads—and, what is a no less valuable achievement, will decrease very largely the danger from fire to the property of the citizens, resident along the lines.

During the year, the new bridge at Duncan's Island has been completed. It cost $92,567.81, was passable for wagons in less than seven months from the day when the first stone of the piers was laid, and has been used as a towing path bridge the whole season. It is

now one of the most beautiful and solid structures in the state, and promises to be permanent.

The dam at the same point has also been most substantially and effectually repaired. The old defective structure was a continual cause of expense to the state, and of loss and vexation to passengers and transporters. It was so open as to permit nearly all the water of the river to pass through when the stream was low. It is now solid and nearly water tight. During the almost unprecedented drought which prevailed over the state from July till November, no difficulty whatever was experienced in the levels of canal dependent on it for supply. This was owing to the judicious measure adopted by the engineers and contractors in raising, early in the season, a coffer-dam across the whole stream, which answered the double end of keeping the water off the workmen engaged in making the repairs, and of throwing an ample supply into the canal.

Owing to these and other improvements at Duncan's Island, that point, which has been such a cause of vexation, expense and delay in the use of the main line ever since its first completion, promises hereafter to cause no embarrassment whatever.

Other repairs and improvements, in different parts of the state, were required and have been made on the public works, as will be explained by the report of the canal commissioners; but the main difficulty was experienced on the upper sections of the Juniata Division.

It is needless to dwell at large on, or describe the devastation which occurred on the 19th of June, between Huntingdon and Hollidaysburg. Suffice it to say, that the Allegheny torrents rose in their might and nearly obliterated in the short space of ten hours, forty miles of as solid improvement as was in the commonwealth. Dams, aqueducts, culverts, locks, banks, and in many instances, the very bottom of the canal

itself, were swept away, and the whole left in a state requiring nearly as much labor and expense to render it navigable as on the day when the first location was made.

Under these circumstances, the first duty of the public agents was to take measures that the business of transporters and others, who relied on the state works as a medium of transportation, should suffer as little delay as possible. Accordingly, the toll was taken off freight on ninety miles of the canal between Huntingdon and Duncan's Island, and subsequently off passengers, to enable the companies to meet the unexpected and heavy expenses necessarily incurred by staging and wagoning across the breach in the line.

The canal commissioners were happily on the spot when the misfortune occurred. They at once dispatched the engineer of the line to survey the injury and estimate the sum and time requisite to make the repair. He reported that the work would occupy at least four months, and cost $400,000.

When this intelligence was received at Harrisburg, it became at once necessary to decide the question whether the legislature should be convened to provide for this sudden calamity, or whether the executive should endeavor to raise the necessary funds and have the repairs made without the delay or expense of an extra session. The latter expedient seemed the more prudent and economical one under the circumstances, but before a final decision was made a letter was received from the president and directors of the bank of the United States, offering to the executive, on the faith that the legislature would ratify the transaction, the loan of any sum that might be required. The patriotic offer was at once gladly accepted, and relieved me of much anxiety. The correspondence on the subject accompanies this message and will exhibit the terms of the loan.

The work has since advanced with all the despatch that it would admit of; and the accounts and vouchers of the disbursing agents, who gave ample security for the faithful discharge of their duties, have been duly deposited and examined in the Auditor General's office. The water was let into the whole distance on the 20th ult., and though little benefit was derived from it during the navigable season just closed, yet it will be of vast importance to the state to have the line in perfect readiness to accommodate the business of next spring, which could not have been the case if the repairing of the breach had been delayed by calling an extra session of the legislature.

The whole work will cost when completed, $380,000, of which $330,000 have been received from the Bank of the United States at four per cent. per annum, and $50,000 from the Harrisburg Bank, at five per cent. The balance remains to be provided for by the legislature. The sum received from the Harrisburg Bank was borrowed on the private credit of the Executive, Canal Commissioners, Secretary of the Commonwealth, Auditor General, Secretary of the Land Office, Surveyor General, and two public spirited, though private individuals, (Thomas Elder and Jacob M. Haldeman, of Harrisburg), on the 30th of June, for the purpose of commencing the repairs, till such time as the mode of obtaining the whole sum requisite, and of carrying on the work, could be arranged, which was shortly afterwards satisfactorily accomplished by the liberal offer of the Bank of the United States, as before explained.

It now becomes the duty of the legislature to redeem the faith of the State as pledged by the Executive, under circumstances that admitted of no other course, without great and manifest detriment to the public interest. I feel the most perfect confidence that this will be done, and I hope it may be entered on without delay.

The disagreeable dilemma in which I felt myself placed, when the calamity occurred, suggests the propriety of recommending a standing legislative provision to meet similar cases. The one that has appeared safest, and yet most effectual, is to confer on the Governor, Speakers of the Senate and House of Representatives, Auditor General and State Treasurer the power, whenever an unexpected breach, or other injury of the public works shall occur, requiring more than $50,000 to repair it, to negociate a loan on the faith of the State for the requisite amount, or to take it from some specific appropriation made by the preceding legislature, but not instantly requiring the money.

The decision of a board of this kind, would be as safe as that of any other body that could be convened, except the Representatives of the people themselves, a majority of it being elected by the legislature, and the whole consisting of public servants, fully amenable for their conduct. Such a provision is accordingly recommended.

If this mode or some other calculated to accomplish the same end be adopted, the ordinary repair fund for any year, need not be greater than the finished lines will actually require, which may at all times be ascertained in advance, with great precision.

The progress of the new works during the year has been steady and satisfactory. The additional distance authorized by your predecessors to be put under contract on the Erie extension of the main line, the North and West branches of the Susquehanna and Gettysburg rail road, were let early and at reasonable prices. Further appropriations to each of these improvements are required.

The Wiconisco and Kittanning extensions, authorized by the improvement bill of the same session, were also put under contract, and the small appropriation

made to the former has been expended. They are both works which, if they were yet to be commenced, should neither be undertaken in the present condition of the Treasury, nor in view of the stronger claims of other works long since begun, but yet unfinished. But they are now, by the deliberate voice of your predecessors, incorporated as a part of the system, and should be carried on as rapidly as the resources of the State and prior claims will justify. The former particularly, being a light work and holding out a certain promise of ample remuneration in the way of toll, the instant it is made to connect with the rich Lykens Valley coal region, by means of the Lykens Valley rail road, has strong claims to favorable consideration.

The report of the Canal Commissioners will exhibit in detail the condition and wants of the whole system of public works, both completed and in progress. To that document you are referred for full information on both subjects.

In connexion with her improvements, which form the chief demand on the Treasury of the Commonwealth, the situation of her finances is to be taken into view.

The appropriations of last session were made with great profusion. They exceeded by nearly one million of dollars, the amount which a prudent foresight seemed to me to justify. At the commencement of the session a full expose of the means of the state and the most pressing claims upon the treasury, was exhibited. During the course of the session an adherence to moderation in expenditure, was attempted to be enforced by every means within the power of the Executive, on every proper occasion, but without success. And finally, the unpleasant alternative was presented, as had been foreseen, of sanctioning appropriations, of which, in the existing condition of the

public finances, he could not approve, or of wholly obstructing the use of the completed works, by defeating a bill containing the indispensable provision for repairs. Under these circumstances that bill was sanctioned: but no act of my public life was ever performed with greater reluctance.

The only check left was to decline subscribing to the stock of the companies that were participant of the favors of the law, till it should be ascertained that the money could be had on loan at the rate of interest which was believed not only to be reasonable, but which the course of legislation for the last two years had established as that to be given for future loans. This decision of the Executive produced a very trifling excitement on the part of some of the companies, which, however, soon of itself subsided. The money was subsequently obtained at four per cent. and applied to the purposes designated by the legislature. The loan in question ($600,000, was taken by the following institutions in the following proportions, and has all been paid into the treasury, viz:

The Girard Bank, ...	$100,000
Philadelphia Loan Company, ...	100,000
West Branch Bank at Williamsport,	50,000
Farmers' and Mechanics' Bank, ...	50,000
Bank of North America, ...	35,000
Bank of Northern Liberties, ...	15,000
Manufacturers' and Mechanics' Bank,	25,000
Schuylkill Bank, ...	40,000
Commercial Bank, ...	35,000
Kensington Bank, ...	15,000
Bank of Pennsylvania, ...	100,000
Bank of Penn Township, ...	10,000
Western Bank of Philadelphia, ...	7,500
Mechanics' Bank, ...	17,500
	$600,000

Though the state may delay repaying these loans till the expiration of one year from the time when they were made, which was at different periods between the 18th of June and the 15th of October, 1838, yet it will be proper that the money shall be refunded with as little delay as possible. In the correspondence with the Banks, on the subject, they were given to expect that re-payment would take place before the first of February, 1839.

The temporary loan authorized by the 3d section of the same law, having become necessary for the contingent object for which it was authorized, was also obtained at four per cent. and applied by the canal commissioners to the proper works. It was taken by the Bank of the United States. That institution also agreed to permit the temporary loan alluded to in the joint resolution adopted on the 16th of April, 1838, to continue another year unpaid at four per cent. The former of these will fall due on the 18th of October, and the latter on the 6th of June, 1839.

By these loans, the only controul over which, allowed to the executive, was that of keeping down the rate of interest, the state treasury, in spite of calculations and estimates to the contrary, has continued and still does continue to discharge all claims against the commonwealth.

The whole amount of receipts into the treasury during the year, ending with 31st of October last, including the balance from 1837, was $4,989,223.03, and the whole amount of payments for all purposes was $4,889,-863.73. Showing a balance that day of $99,359.30.

Among the disbursements are included $157,622.89 paid as expense in part of the Convention to propose amendments to the constitution. During the preceding year $71,939.67 had been paid, on the same account and it is supposed that a balance of $50,000 is still or will become due, so that the whole expense

of the Convention and its incidents will be $279,362.50.

The probable amount of income from all sources during the present year will be $3,453,838, viz:

Canal and railroad tolls,	$1,600,000
Bank of United States for common schools,	100,000
Land and land office fees,	62,000
Auction duties and commissions,	90,000
Dividends on bank stock,	160,000
Tax on bank dividends,	115,000
Dividend on turnpike, bridge and navigation stock,	45,000
Retailers' licenses,	80,000
Tavern licenses,	50,000
Collateral inheritance tax,	23,000
Tax on writs,	25,000
Tax on certain officers,	8,000
Tax on loan companies,	4,000
Hawkers' and tin and clock pedlars' licenses,	6,000
Fourth instalment surplus revenue,	955,838
Balance of loan per third section of act of 14th April, 1838,	125,000
Miscellaneous,	5,000
	$3,453,838

The probable demands on the treasury, exclusive of appropriations to be made during the present session, and of loans which will be due during the year, will be $3,323,927.91, viz:

Balance of appropriations for internal improvement purposes, by act of 14th April, 1838,	$532,057 01

Balance of appropriation to turnpikes, state roads and bridges,	95,670 90
For motive power,	240,000 00
Interest on State debt, salaries of collectors, lock keepers, &c.,	1,180,000 00
Expenses of Government,	290,000 00
Balance of expenses of Reform Convention,	50,000 00
Militia expenses,	25,000 00
Pensions and gratuities,	50,000 00
Education,	350,000 00
House of Refuge,	5,000 00
Penitentiaries,	21,200 00
Geological survey,	16,000 00
Interest on treasury loans,	99,000 00
Cost of repairing Juniata canal,	380,000 00
Interest of temporary loans,	40,000 00
Miscellaneous,	50,000 00
	$3,323,927 91

This will leave a balance at large during the year, of only $129,910.09, which would have been $2,100,000; at least if your predecessors had not been so liberal of the public funds, and if the yield of the public works had not been reduced by the breach on the Juniata. But it is too late to remedy past profusion or misfortune. The future is now to be provided for.

It will be your first duty, in reference to the public works, to provide the necessary repair fund for the present year. The immediate appropriation of a sum sufficient for that purpose, is strongly recommended as a means of ensuring their continued use, and consequently the largest return from them during the next season.

It will be for the Legislature next to decide whether the works now in progress shall receive appropriations

for the present year; and if so, from what source the means shall be derived; and also to provide funds to pay the loans that will fall due.

I once thought that no combination of circumstances would cause me even to hesitate in advocating the speediest means that could be devised for the completion of our noble system of improvement; but the experience of the past two years has, I confess, shaken my confidence in the attainment of this desirable end, within any reasonable period. I have beheld the treasury amply supplied with means, and yet the session terminate without any provision for the prosecution of the works, because the terms dictated by companies and sectional jealousies could not be complied with. The next year the Executive has been compelled, for the sake of obtaining a repair fund, without which even the portion already in operation would have been thrown idle, to sanction a bill pouring almost the last dollar of the public into the coffers of the private companies and into new channels.

Thus has it come to pass, that, notwithstanding a succession of circumstances the most fortunate, and of receipts the most ample and unexpected, the Commonwealth is left without means to continue her own works and redeem her own faith. Her contractors, her citizens, and the public generally, are, I fear about to possess good cause of complaint that she has entered upon undertakings that she cannot accomplish: or, as the only alternative, the means to complete and render productive the projects of private speculation, which have already proved so burthensome to the treasury and so insatiable in their demands, must continue to be granted without regard to consequences.

If I could believe that the lesson, thus far, would be sufficient to produce reformation, I could even compel myself to recommend an increase of the State debt,

to meet the urgent wants which are now around us; but I cannot. The same spirit is yet at work; the same tax will still have to be paid by the State, for permission to apply even her borrowed funds to her own work. All I can do, therefore, is to commit the matter to the Legislature, with a statement of the sums that are required, and the source from which they may be obtained, if resort to it be thought advisable.

The Erie extension will not exceed $500,000. A similar sum will be required on the North Branch canal. $300,000 will be the least that will effectually commence laying the rails on the graded portion of the Gettysburg railroad, and continue the grading of the remainder; $200,000 will be necessary on the West Branch canal; $100,000 on the Wiconisco canal and Allegheny feeder, each; $300,000 for ordinary repairs, and $100,000 for damages, locomotives, &c., together with $1,000,000 to pay temporary loans, making in the whole $3,100,000.

The only means left for obtaining this large sum, is that of borrowing; and the only source, without paying an unreasonable interest, is the Bank of the United States, which, under its charter, may be compelled to lend its money at four per cent.

If money be at all appropriated for the continuation of the works under contract, less than the sum just designated for each will be of little avail; and double the amounts named should be given if it could be afforded; and if it is obtained, it must be borrowed.

I wish, however, to be distinctly understood as not recommending that course. But, in communicating to the Legislature the condition of the various interests dependent on their action, it is my duty to omit none.

Connected with the finances of the State, another subject of importance will receive your attention.

$694,000 of the State permanent loan will fall due in 1839, and $150,000 in 1840. I have no hesitation in recommending that a sufficient amount of money to pay off these five per cent. loans, when they become due, be borrowed from the Bank of the United States, at four per cent., and applied to that purpose in the mode described in the annual message of 1836. It would also appear to be advisable, to offer to redeem such of the other five per cent. loans as shall become due within the next few years, in the same manner. By adopting this expedient, the annual draft on the treasury will be lightened, without any increase of the principal debt.

It is presumed that capitalists who hold stock in the five per cent. loans about expiring, will not be unwilling to dispose of it now, for permanent investment. The monetary confusion and distress through which the country has been made to pass by the expedients of the General Government, seem about subsiding, and confidence between man and man, and in public faith and institutions, is returning. This, then, will not be an unpropitious moment for Pennsylvania to offer her creditors their money, that they may apply it permanently in aid of some of the numerous projects of improvement that are in contemplation, or only awaiting the means of completion.

During the year just closed, a most healthful change has been accomplished in our currency, and a correspondent improvement is now developing itself in all the various relations and interests that depend on that credit and confidence which forms the true basis of the circulating medium. The commencement of the year saw the State covered with paper issues, in open violation of the plain words and meaning of the law, but which the necessity of the case seemed to justify. They were taken almost without reluctance, in all the dealings of the community, and no move was

made towards inflicting the enacted penalty on those who emitted them. At the same time, the banks had locked up the hard money of the State, to await, as they said, the moment when it might be again paid out without danger of total withdrawal from us, and without risk of injury to the institutions or their debtors. These reasons for the course pursued, seemed sound, and the people acquiesced. The end has verified them, and justified the confidence reposed.

The workings of this law of necessity—the law above all law— in the hands of an honest and intelligent community, were watched with intense interest. It was a glorious spectacle to behold a whole people, as one man, waiting calmly and patiently for the safe moment of disenthralling themselves; not vindictively, one upon the other, but the whole, for the good of the whole—from the grinding and gratuitous infliction. It was a noble proof of the fitness of republicans for self-government, and was even enhanced by the fact that the people were laboring to abate the nuisance, not only unaided by, but in opposition to the efforts of those whom they had placed at the head of the whole nation to guard their interests.

The duty of the Executive of this State was plain. It was to encourage the people in their patient course of suffering, till the moment for effectual self-reliance should arrive, and to sustain their monied institutions, so long as they seemed to act for no other object than the common good. In this attitude, the rising of Congress announced that the people might once more take measures for their own relief, without danger of mischief or counteraction from their public servants. A call was at once made on all to restore the safe empire of the law. It was nobly responded to, and has proved perfectly effectual. Never was there a more praise-worthy instance of moderation exhibited by any community, than by the citizens of this

State, at the time of the suspension of specie payments and during its continuance, nor of patriotic devotion to law and the public good, than that displayed by their monied institutions in the resumption. The consequence is, that our currency is now restored to its former soundness, and all distrust has disappeared.

Though I feel bound to bear this just tribute to acts that have been so fully sustained by their results, yet I cannot conceal the opinion that some part of the difficulty arose from defects in the organization of banks themselves. I shall not now occupy your time in recapitulating the remedies which these defects seem to indicate. That duty I attempted fully to perform in the last annual message, to which you are respectfully referred, with the remark that the changes then recommended are still deemed proper and requisite.

In other respects the public concerns of the state have exhibited their usual order and prosperity, with the exception of a disgraceful riot in the city of Philadelphia on the 17th of May.

The particulars of that outrage are too generally known to need repetition or comment here. So flagrant, however, was it, as in my opinion to call for the interference of the Executive to aid in the apprehension of the perpetrators. A proclamation of reward was accordingly issued. I hope this may be the last attempt, on the free soil of Pennsylvania, to molest a peaceful and orderly assembly of citizens. Those who counsel such violent proceedings, should bear in mind that if their opponents are in error, their cause will only acquire additional notoriety and permanence from any opposition; which takes the appearance of oppression; whereas, if its claim on public opinion be left wholly to its merit, it will soon sink into oblivion, unless there be something in it really worthy of favor.

Some of the sister states that border on the Canadas, were in early part of the year, the theatre of occurrences that at one time threatened to lead to unpleasant consequences. These scenes have been recently renewed, but the character and true object of the persons engaged in them are now well understood, and scarcely any danger exists of collision between the British and United States governments. The chief feature that bears an appearance of importance in these proceedings, arises from the nature of the organization made use of. It has been communicated to me from a source entitled to unlimited credit, that numerous Masonic lodges, embracing many thousands of sworn members, have been recently established in the frontier states, with the express object of attacking and revolutionizing the adjoining British provinces. Those who know the perfect adaptation of sworn secret societies to such an object, and the reckless character of many of the persons probably engaged in the enterprise, can credit the statement. It is to be hoped that no citizens of Pennsylvania will be found concerned in an undertaking so injurious to the rights of a friendly nation, and in such direct contravention of every principle of international law. The fact, however, presents one more and a most convincing reason for the enactments of sever and effectual laws against the administration of extra-judicial oaths.

I have frequently brought this subject to the attention of the legislature. It is again presented with an ardent hope that the necessary legislation may take place, and that the stumbling block may at length be removed.

In reviewing our own domestic history for the past year, many useful suggestions present themselves.

The Geological Survey authorized by the session of 1835-6, is steadily advancing. Fully one half of the

state has been traversed and examined, a considerable part of it with all the minuteness requisite to a final report. I have not been informed that further aid will be necessary to complete this valuable and interesting undertaking. When brought to a close, much highly important information may with certainty be expected from the general report.—The publication of the discoveries and results of the investigation thus far has been very properly excluded from the annual communications to the legislature. It will require the whole term of the survey to enable the Geologist to give them that certainty and precision, which will form their most valuable feature, and which can alone grow out of oft repeated and continued examinations, analyses, comparisons and inquiries. The wisdom of this course will be fully admitted when the whole results shall be laid before the state.

The bearing of the survey on the articles of coal and iron, and upon the large and varied interests connected with them, imparts its chief interest. For several years, heretofore, little importance was attached to the exact deductions of Geology, Mineralogy and Chemistry, as connected with these staple commodities. This was the case more especially with regard to the former. Large tracts of coal land were known to exist, but little desire was manifested to ascertain with exactness their boundaries, or the relative qualities of the mineral. Those were the days of speculation in coal land, and the projects of the speculator not unfrequently shunned the unerring decisions of science. But they are passed, and the days of actual operations in the mine have succeeded. It is now for the interests of all to dispel illusion and to subject every project and every hope to the full light of science and truth, before capital is invested or labor expended.

The successful experiments that have been made at

Karthaus and Farrandsville, to smelt iron with bituminous coal, and at Manayunk, Mauch Chunk and Easton, with anthracite, add new interest to this subject. So perfectly satisfactory have they proved, that large furnaces, in which anthracite coal alone is to be used as fuel, are now in progress of construction, at several points in the state. The successful union of stonecoal and iron ore, in the arts, is an event of decidedly greater moment to the prosperity of our state, than any that has occurred since the application of steam in aid of human labor.

The trade in coal and iron will undoubtedly form the main business of the vast but yet only half accomplished system of works in which the State is embarked, and the chief hope of paying off the debt of their cost. The transporting of produce from the interior, and merchandise from the sea-board, will no doubt be great, and Pennsylvania will always possess her due portion of it. But it is not necessary for her to desire its monopoly. Her people, as citizens of the nation, are satisfied to see sister states embark in the noble rivalry; and, while they are convinced of the many advantages of their own routes, can rejoice to know there is room for the full success of all. But when her coal and her iron descend from her mountain regions, into New York and the vast Lake country, from the North Branch canal—are discharged at Erie and Sleveland, as well as Pittsburg and Beaver, from the same canal boat which loads at the mine or iron works—are poured through the widened locks of the Union canal, and the completed Tide Water canal, as well as the Delaware and Schuylkill canals, upon the wharves of her own commercial metropolis—the magnitude of the trade beyond that of the mere carrying of produce and merchandize, will then only be fully appreciated. If to these channels of wealth, be added continuous rail roads from the Eastern to the Western

emporiums—traveled by at least one thousand busy passengers daily, and an uninterrupted water communication between the Delaware and Lake Erie, for the heavy trade, the cause which enables Pennsylvania to look, without fear or jealousy, on the works of other states, is apparent.

In such view of the subject, the necessity for opening, widening and deepening every channel, and the policy of retaining the great leading avenues and outlets in the immediate ownership and control of the commonwealth, become evident. Hence, the early enlargement of the Union canal to the size and capacity of those of the state, is a project of much interest to the public. Hence, also, the ultimate possession of the canal from Columbia to the Maryland line, should never be lost sight of as a measure indispensable to the perfection of the grand system. The state now possesses the right to acquire this work at a time and price fixed in the law authorizing its construction, and the legislature should be cautious not to grant any privileges that may postpone the one, or add to the amount of the other.

That all these desirable events can be accomplished, is as certain as that the time of their arrival will be postponed by persisting in the same course of squandering the public resources, which has surrounded our condition, at the present moment, with so much difficulty.

A joint resolution was adopted by the Legislature on the 16th of last April, making it the duty of the Secretary of the Commonwealth to obtain, through the agency of the assessors of county tax, to collect general statistical information relative to the agriculture, manufactures, commercial and mining operations of the State. The resolution being adopted after the period when the assessments were actually commenced for county purposes, the queries directed by

the resolution were, consequently, not issued until recently. This afforded more time to make them full and comprehensive, and to prepare the proper instructions. They were issued in the early part of last month, through the medium of the different boards of county commissioners, with directions to have the information collected during the present month, so that it might embrace one full year.

It has been recently ascertained that the commissioners of several counties decline distributing the queries to the assessors, and enjoining on them a compliance with the requirements of the resolution, on the ground that they are not expressly required to do so by its terms. But the resolution could not well be carried into operation without their agency. The names and addresses of the different assessors were not in the possession of the Secretary, neither did it seem proper for him to employ in performance of a duty, for which the resolution expressly declares, that they are to be paid out of the respective county treasuries, without the knowledge and concurrence of the commissioners. It therefore becomes proper for the Legislature to take some further action on the subject, without delay, if a report is desired at the present session. The queries or tables have been carefully prepared and distributed at considerable expense; the postage alone amounting to upwards of a thousand dollars, though the packages were sent to all the nearer counties by private conveyance.

Circulars have also been issued to the sheriffs of the different counties, calculated to elicit the information relative to county prisons, under the resolution adopted by the House of Representatives on the 19th of December, 1837. It is expected that the replies will be received during the present month, so that a report can be prepared and submitted early in January.

A circular was also sent to the directors of the poor

of each county, that has a house for the support and employment of the poor, calling their attention to that portion of the 34th section of the act of 13th June, 1836, entitled "An act relating to the support and employment of the poor," which makes it their duty to forward annually to the Executive for the use of the Legislature, a statement of the accounts of their respective institutions. This duty has been very generally neglected heretofore, and the Legislature thereby deprived of much useful information.

Occasion was taken at the same time to elicit from the directors and sheriffs full information of the number and condition of lunatic or insane persons in each poor house or prison. It is stated, by many humane persons, conversant with the subject, that much wretchedness and suffering exist, especially in the poor houses, which might be alleviated, if not wholly avoided, if the melancholy extent of the evil were generally known. When the desired information is received, it will be laid before you, that the proper corrective may be applied. This, most probably, will be found to consist in the establishment of a public asylum for deranged or insane persons. Such an institution is wanting as a companion to our deaf and dumb and blind asylums. I feel that it is unnecessary further to urge this subject upon your favorable consideration.

The encouragement given by the Legislature of last session to the growth of the mulberry tree and the production of silk, has thus far proved efficient, and promises to include the silk business among our chief subjects of industry and sources of wealth. Many hundred thousands of mulberry trees have been set out, and a large quantity of cocoons produced. The reeling of silk has been regularly practiced at many places, and silk looms established at Philadelphia, and Economy, in Beaver county. The business seems to have

gained such a footing among us as to promise permanence and profit. It seems to be a branch of industry admirably adapted to the habits and strength of the inmates of our county poor houses. It is worthy of inquiry, whether a slight encouragement, say a small donation annually to the steward of each institution who shall produce a given number of pounds of cocoons, might not have the effect of substituting a light and pleasant employment for the more laborious occupations in which the paupers are now engaged, and accelerate the permanent establishment of the business in the State.

In accordance with the provisions of the act of last session on the subject, Messrs. A. D. Bache and F. Fraley, of Philadelphia, and W. P. Alrich, of Washington county, were appointed commissioners to examine and report to the Legislature, at its present session, on the subject of the revision of the Map of the State, so as to correct the errors in its topographical delineations, and to represent the Geological and Mineralogical features of our territory. It is understood that the board will shortly report. The result of their examinations will be laid before you, and will of course receive due attention.

The act of 1834, relative to weights and measures, which was continued in force by an act of last session, has not yet been carried into operation; but a prospect is now presented of speedily accomplishing part of its requirements. I have recently been informed by the proper department of the General Government, that the standards of weight provided under the act of congress for the different states, are ready for delivery. They will shortly be placed in the Secretary's office at this place, and copies will be made for each of the counties. In fulfilling the latter duty, the aid of the Franklin Institute has been promised, and will be relied on.

Until the standards for the different counties were procured and furnished, it was not thought expedient to appoint a regulator in each county, as directed by the act of 1834. Under the new Constitution it will be the duty of the Legislature to prescribe the mode of appointing those officers.

The attention of the executive was, a short time ago, called by Col. Pleasonton, of the 1st regiment of Pennsylvania Volunteer Artillery, to the fact that the State possesses a number of pieces of old brass ordnance of various patterns and calibres, scattered over the state, with a suggestion that it would be proper to have them re-cast, and thus rendered really useful and valuable. It was also stated that the work could be done well and reasonably at a foundry established near Springfield, Massachusetts. The proposition was approved of, and the Adjutant General, with the aid of Col. Pleasonton, (which was liberally offered), instructed to have them collected at the different arsenals. The communications of Col. Pleasanton, accompany this message, and will explain the subject fully. I concur in the propriety of the measure, with the hope, however, that the change may not be made to embrace pieces of cannon, with which are associated any of the glorious events of the Revolution.

Commodore Elliott, of the United States Navy, not unmindful of his native State, while bearing the flag of the nation, over distant seas, has made me the agent of presenting to the Legislature, in his name, a beautiful and appropriate gift. It consists of a likeness, in oil, of Christopher Columbus, the discoverer of our Continent, and another of Americus Vespucius, from whom it received its name. To these is added the figure of the American eagle, carved by an American citizen, in marble, from Alexandria Troas.

The Commodore's letter accompanies this message. The presents are now in the Executive chamber, sub-

ject to the disposition of the Legislature, and will, I feel certain, be suitably received and preserved.

On the seventeenth of September, being the anniversary of the glorious sortie from Fort Erie, it was my agreeable duty to present to Brigadier General Hugh Brady, of the United States Army, the sword unanimously voted to him by the Legislature of his native State. The veteran soldier, now bears the token of his country's approbation. It was my desire that it should not be unworthy of the commonwealth. It is indeed a beautiful specimen of the artists' taste and skill, and appropriately commemorates the deeds, intended to be rewarded. It is the work of Fletcher & Bennett, of Philadelphia, and cost $1,090.

Permit me to call your attention to a matter connected with the official arrangements of both Houses of the Legislature, but in which the public at large have an interest. It frequently happens, during the summer recess, that citizens of the commonwealth require, for use in courts of justice, or in the progress of claims for pensions from the National government, either original papers or exemplified copies of papers in the possession of the Legislature. The clerks have no power to give the originals, nor are they possessed of an official seal with which to authenticate copies.

The only mode of producing the desired documents in court is to subpoena a clerk, and cause him to carry with him the papers desired. But even this troublesome expedient fails between the second Tuesday in October annually, and the day of which the Legislature assembles, for during that period the clerk's functions cease. It would promote the public convenience, if the clerks were authorized to keep a seal, and give certified copies of documents on file, to be used in evidence. The trouble of making and forwarding the copies might be paid for by a reasonable fee in each case; and the official character of the clerks of each

session might be extended by express enactment till the commencement of the next.

The contingent fund of the office of the Secretary of the Commonwealth, is generally insufficient, during the year in which the Governor's election occurs. Out of this fund are paid the postage, messenger's salary, the price of fuel, printing, stationery, &c., both for the Executive chamber and the Department of State. The postage on election returns for Governor, and on the large number of letters which are addressed to the Executive, during the first six months of his term, generally exhausts the fund before the first of April, on which day the year commences. The fund of the present year will be quite insufficient. This is caused by the large number of circular letters sent out (including the statistical tables before alluded to), in accordance with the directions of the Legislature, and in performance of the duties of the office. It will be necessary to make some provision to meet the demands now existing, and those which will become due before the first of April.

The amount allowed annually, is $2,700. This sum is more than enough for the second and third years of each executive term, counting from the first of April, and the balances unexpended during those years would be sufficient for the other, if they were permitted to accumulate and be applied to it. But a different construction has been given to the law on the subject, by the accountant department. The unexpended balance between April, 1836, and 1838, is $1,427.40. I would therefore recommend such a change in the law as will permit that sum to be added to the fund for the present year, and will continue the same practice hereafter, which provision will be sufficient.

Having thus presented the various objects of present interest that occur to me, it will not be out of

place briefly to recapitulate the changes produced during the official term now drawing to a close.

Three years ago there were 32,544 children in the common schools of the state. There are now about 230,000. The schools were then kept open not quite three and a half months. They are now open about seven months in the year. The whole amount of state appropriation was then $75,000 annually: it is now equal to one dollar for each taxable, which will amout to $350,000 for the next school year.

In 1835 the public works yielded $684,357.77, after a most favorable season. During the season just closed, the produced $991,252.42, under the most disadvantageous circumstances: and with good management and no unusual accidents, will the present year pay $1,600,000.

Since 1835 $2,500,000 have been expended in completing works then said to be finished, renewing defective parts, and keeping the whole in repair; and one hundred and ninety-eight miles of canal, and twenty-nine miles of railway, have been commenced and carried to a considerable state of forwardness, on which $2,100,000 have been expended.

The completed rail roads have been made to answer the end of their construction, and the annual deficiencies in the motive power fund, turned into annual excesses.

The permanent state debt, which was $24,330,003.32 in 1835, is now $24,230,000.32; and though there are temporary loans to the amount of $1,000,000 due, yet they were forced on the state in opposition to the exertions of the Executive, and will sink to a small amount, when the sums of a similar kind due at the commencement of the year 1836, are deducted from them.

The state tax, which was then in existence, without hope of termination, has ceased to be collected, and nothing but the utmost profusion can make it again necessary.

The state credit, which was at a low ebb in 1835, is now raised, and the commonwealth obtains even her temporary loans with ease at four per cent.

The currency, which was on the eve of a fearful convulsion in 1835, has been carried through it with less injury than was experienced in any other state—is now restored to its usual soundness—and has secured to it the aid of an institution, which will hereafter preserve its uniformity, if no further ruinous experiments be tried.

And finally, the State has been made to occupy her proper position in the National family, and in relation to the General Government, on all occasions.

I now approach the end of the term for which I was elected, with the consciousness that I have performed the duties of the Executive Department of the Government with fidelity, according to the best of my judgment and ability, and with the profoundest gratitude for the confidence and support of my fellow citizens; and I fervently hope that the Divine Author of all things, will continue indefinitely to bestow his favors on them and our beloved country.

JOS. RITNER.

Executive Chamber, Harrisburg, Dec. 27, 1838.

Proclamation Continuing Officers in Commission until their Offices can be filled as directed by the Amended Constitution of 1838.

Pennsylvania ss.
[Signed] Jos. Ritner.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By JOSEPH RITNER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, The amendments to the constitution of this Commonwealth proposed by the convention held under the Act of Assembly of the twenty-ninth day of March, Anno Domini one thousand eight hundred and thirty-six, entitled "An Act providing for the call of a convention to propose amendments to the constitution of the State to submitted to the people thereof for their ratification or rejection," having been adopted by the freemen of the State on the ninth day of October, one thousand eight hundred and thirty-eight, the said amendments, according to the directions thereof, will go into operation and be in force on and after the first day of January, one thousand eight hundred and thirty-nine, the day of the date hereof: And Whereas, according to the terms of the said amendments, various public officers heretofore appointed by the Governor of the Commonwealth during pleasure are now to be elected by the votes of the people and certain others in such manner as the Legislature may hereafter direct. And Whereas, the public good requires that all public of-

fices should be kept open and their duties continue to be performed until such time as the proper legislative provisions can be enacted to fulfil the intent of the amended Constitution in relation to said officers: Therefore I have thought it right and proper to issue this Proclamation under the Great Seal of the Commonwealth, for the purpose of confirming and continuing in force the commissions of all public officers heretofore issued by me, now in force, and which would otherwise have expired on this day, and I do hereby confirm and continue the same and each and every of them until they shall be constitutionally and legally superseded by new commissions issued in accordance with the third and eighth sections of the sixth article of the amended Constitution aforesaid, or by appointments and commissions under the eleventh section of the schedule thereto annexed.

And I do further direct and enjoin all public officers engaged in the several departments of the Government to proceed with diligence and fidelity in the performance and execution of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State at Harrisburg this first day of January, in the year of our Lord one thousand eight hundred and thirty-nine, and of the Commonwealth the Sixty third

By the Governor.

Tho. H. Burrowes,
Sec. of the Common'th.

To the Senate Nominating Joseph Saeger to be an Associate Judge for Lehigh County.

Gentlemen:

IN CONFORMITY WITH THE SECOND SECTION of the fifth article of the Constitution of the Commonwealth, and to fill a vacancy occasioned by the resignation of Jacob Stein, one of the associate judges of the county of Lehigh, I hereby nominate Joseph Saeger, of said county, to be associate judge thereof, in the room of the said Jacob Stein.

JOS. RITNER.

Executive Chamber, January 14, 1839.

To the Senate Nominating Samuel Yohe to be an Associate Judge for Northampton County.

Gentlemen:

IN CONFORMITY WITH THE SECOND SECTION of the fifth article of the constitution of the commonwealth, and to fill a vacancy occasioned by the resignation of John Cooper, one of the associate judges of the county of Northampton, I hereby nominate Samuel Yohe, of said county, to be associate judge thereof, in the room of said John Cooper.

JOS. RITNER.

Executive Chamber, January 12, 1839.

Special Message to the Assembly Concerning the Late Disorders at the Seat of the State Government Attendant on the Adoption of a New Constitution.

Fellow Citizens:

AVAILING MYSELF OF THE ONLY OPPORtunity which the temporary adjournment of the Legislature allows me, I think it right to communicate to you a statement of the relations in which

this government has been placed to a deserving portion of its citizens, and to the executive of the Union.

It is with regret that I recall the attention of the Legislature to the recent scenes of violence and disorder which so long suspended the functions of government in this commonwealth. What then occurred has become matter of history. I do not mean now to dwell more than is necessary upon a topic, which is painful, as affecting the character of our popular institutions. Believing that an emergency had arisen of so extreme a nature as to demand the exercise of what may be considered the extraordinary powers vested in me by the constitution and laws, I issued an order to two divisions of Pennsylvania militia, to march to Harrisburg to protect the Legislature in the discharge of its duties. That order was promptly obeyed, and I had the satisfaction of witnessing the alacrity with which the citizen soldiers of the commonwealth repaired to the standard which the constitution authorized me to raise, in a crisis of public danger.—Upwards of one thousand men marched to Harrisburg and remained in service until it was deemed proper to disband them. A large majority of these soldiers were young men, dependent on their daily industry for their daily bread. Brought by a constitutional order from their homes at a season of the year when an interruption of business is most to be avoided, some of these leaving their families at a notice too short to make provisions for even a limited absence, they cheerfully acquiesced in the necessity which existed. The excellent discipline by which they were regulated, the propriety of their deportment, the sacrifice of all differences of opinion to the supremacy of the laws, which they were called on to maintain, are worthy of all commendation.

Nor was the result of this movement other than was hoped. The presence of the militia at once repressed

the violence of the mob.—The process of judicial authority was executed. The Senate resumed its functions, and order and tranquility were restored. But for this timely intervention, the wishes of the people as recently expressed in adopting an amended constitution would have been defeated and the constituted officers prevented from counting the votes given on that important question. The use which in any apprehended exigency I might have been called on to make of the force placed at my disposal was duly and anxiously considered, and such a decision made as I believed the people would have authorized. I herewith communicate an official letter from the Attorney General of the commonwealth, prepared by my directions, and which indicates the course which I intended to pursue.

Had the necessity for issuing the orders to the divisions of the militia been less than it was, their claims for compensation and indemnity for their time would be the same. I am not disposed to mingle this question with any other. I mean now to present it to the Legislature, as a claim on the State for services rendered under a constitutional order, by deserving and patriotic citizens. The military who came to Harrisburg, are in no sense answerable for the order which they obeyed. The responsibility of that order rests on him who issued it. Deep indeed, would be the dishonor, if any impulse of faction should extend that responsibility to others to whom it does not belong, and thus defeat simple claims resulting from the faithful discharge of a military duty. I cannot believe that the commonwealth will be made subject to such a reproach.

I did not suppose that I should be compelled to bring this to your consideration. The 63d section of the militia law, authorizes the Governor "in all cases of emergency, where money may be wanted, to or-

ganize, furnish or supply the militia of the Commonwealth, who may be called into the actual service, to draw his warrant on the State Treasurer for such sum or sums of money, and to dispose of it in such manner as the emergency of the case may require." Under this section warrants were drawn on the State Treasurer which that officer has refused to pay. The letter of the law is plain, and unless the State Treasurer and not the Governor, is to judge of the emergency, the duty of the Treasurer under the law is equally plain.—The power of the Legislature to give redress in a case in which the rights of a portion of our fellow citizens have been thus injuriously resisted, is complete. The State Treasurer, who has arrogated to himself an authority which the law never conferred on him, is the officer of the Legislature, and in the first place responsible to them. I, therefore, confidently solicit your early attention to a claim founded on justice and authorized by law. Every hour's delay is an hour's injustice. The disbursing officer will submit at any moment's notice a statement of the amount which will be required.

In connection with this subject, I must recall the attention of the Legislature to another of perhaps equal interest. At the time when the domestic violence occurred of which I have already spoken, I considered that I should be wanting in my duty, as the Chief Executive Magistrate of the Commonwealth, if any measure of precaution were omitted. Application was therefore made to the President of the United States, for the assistance which, by the Constitution of the Union, he is bound to render. The correspondence which followed is already before the people. To the popular judgment on it I cheerfully defer, and would not again allude to it, but for some further action of the federal authorities.

The true relations of the state and federal authori-

ties cannot be too carefully guarded. Such is the happy and delicate organization of our confederate institutions, that the instant they become involved, there is danger to our glorious system of constitutional republicanism. It has been my lot more than once during my official term to reprobate the interference of agents of the Federal Government in the domestic concerns of the commonwealth. The conduct which I had felt called on to hold up to the indignation of the people, whether the intrigues in a foreign country to wound the credit of the state, or more recently in the undisguised violence at the seat of government, was the conduct of mere subordinates. Until proved to be so by the late correspondence, I never imagined that the highest functionaries of the general government could be actuated by a similar spirit, or would when called to exercise the protecting power with which the constitution has invested them, willingly assume the attitude of partizans, and lend themselves to a deliberate effort to insult the constituted authorities of a state yet sovereign and independent.

To a letter addressed by the chief magistrate of this commonwealth to the President of the United States, no reply was given, the subject being referred to the Secretary of War, who assumed to be the proper organ of communication with me. Unwilling to submit to what appeared to be an indignity to the state, I declined corresponding with any other than the President, and informed him of the view I was led to take of the very exceptionable tone of his Secretary's letter. In order that the correspondence may be officially before the legislature, I now communicate it with this message. It must not be supposed that on a mere point of form I placed myself in this relation to the federal authorities. The time may come, when, after temporary differences shall be removed, and the conflicts which have agitated the community

shall have subsided, the conduct of the chief magistrate, may be looked back to as a precedent of resistance to all invasion of the rights he is bound to protect, and to any indignity to the sovereignty with which he is identified.

Herewith I communicate copies of other letters which have passed between the military officers of this state and the Ordnance Department at Washington, to which I invite your attention, and from which it appears that the supply of munitions of war to the militia by the officer in command at the United States arsenal, in conformity with the usage sanctioned by the department, has been disapproved of, and that formal demand has been made for a specific return of the stores. That demand I refer to you.

The position assumed by the War Department, that no supplies can be authorized for the suppression of domestic violence occasioned by political differences, can, I think scarcely be sustained. The existence of domestic violence, resulting from whatsoever cause, creates the emergency which the Constitution contemplates, and the act of Congress was meant to provide for; and strange indeed would be the doctrine, that although in disorders proceeding from other causes, the military officers may supply stores and ordnance on the requisition of the sheriff of a county or the mayor of a city, yet if, in his opinion, political differences have been mingled with any tumult, he cannot interfere, though the lives of thousands might be in jeopardy or sacrificed to his scruples. The correspondence, however, is submitted to you. A return in kind of munitions supplied to the militia of the State is impracticable. A settlement, on other terms, can be best regulated by legislative action.

The subject of this communication recalls to my recollection a topic which I had intended to embrace in the late annual communication, but which escaped

my attention at the time. I allude to the present militia laws of the State. The amended constitution confers greater power on the Legislature, with respect to the militia, than was possessed under the old. Many intelligent and patriotic citizens are of opinion, that salutary changes might be made without weakening this right arm of our public safety, and that the whole law on the subject requires revision. Permit me to recommend it to your attention.

In closing this special message, the last I shall have occasion to communicate to you, I should do great injustice to my own feelings, were I to withhold the expression of the gratitude I feel to the legislative branches of the government for the many instances of support extended to me during preceding years, and under circumstances that rendered such supports peculiarly important. Durging my term I felt constrained, it is true, by considerations that might not be disregarded, to decline concurrence in the acts of the legislature on several occasions; I can, however, assure you that these differences have left no unkind feelings in my breast. I have sought, and I trust successfully, to turn from the contemplation of them, and look only at the pleasant and useful results of our common action.

When called to the chief magistracy of the State, I found her finances embarrassed, her citizens oppressed by taxation, her improvement system involved, and the still more precious system which gives the blessings of education to the children of all alike, sustaining a feeble and precarious existence. At the present time, no tax burthens the tiller of the soil, no increase of debt has been made to justify taxation hereafter, resources of easy and cheap credit are open, confidence is restored, and with it business is reviving, the school system is out of danger, the public improvements are in a condition of economical management.

But for the late disgraceful scenes, I could look back on the past with unmingled satisfaction. I feel, however, that no share of the fearful responsibility of those acts of violence rests on me. Placed during the last part of my official term, in a position in which it was difficult to act without incurring censure from some quarter, I sought the path of duty and endeavored, with what success must be determined by our common constitutents and posterity, to act as became the post I occupied. I have the gratification of knowing that the majesty of the law has been re-established, and the will of the people sustained.

JOS. RITNER.

Executive Chamber, Harrisburg, January 14, 1839.

[DOCUMENTS OMITTED.]

To the Senate Concerning Certain Official Correspondence.

Gentlemen:

I RECEIVED, LATE LAST NIGHT, A RESOLUTION adopted by your body, calling on me to communicate to the Senate all the written official correspondence which took place between [him] me and Major General Patterson of the First Division, or any other officer of the Pennsylvania militia, during the presence of the volunteers of that division at the seat of government at the commencement of the present session of the General Assembly.

I beg leave respectfully to inform the Senate, that owing to the lateness of the time when the resolution of the Senate was presented to me, it is out of my power to comply with the request contained therein, before my term expires. I am, however, happy to inform the Senate that all the correspondence called for by the resolution, is on file in the Secretary of the

Commonwealth's office, and can be furnished when ever required, by my successor.

JOS. RITNER.

Executive Chamber, Harrisburg, Jan. 15, 1839.

To the Assembly Vetoing a Bill Entitled "An Act to Incorporate the Hanover Coal Company."

Gentlemen:

A BILL ENTITLED "AN ACT TO INCORPORATE the Hanover Coal Company," was presented to me on the sixteenth day of April last. Owing to the occurrences which took place at the commencement of the session, I had not an opportunity to return it to the Senate, in which it originated. I now return it without the Executive approval, and without expressing an opinion whether it can at all become a law under the new Constitution.

JOS. RITNER.

Executive Chamber, Harrisburg, Jan. 15, 1839.

To the Speaker of the House of Representatives Transmitting a Message from the Governor.

Sir:

THE WITHIN MESSAGE WAS PREPARED ON the day of its date for transmission the succeeding day, (a few minutes after midnight), but for want of a quorum on that occasion was not then, and is now, presented, the earliest moment possible.

Yours respectfully, &c.,

JOS. RITNER.

Executive Chamber, Harrisburg, 12th Jan. 1839.

To the House of Representatives Returning a Certain Resolution for Revision.

Gentlemen:

I RETURN TO THE HOUSE OF REPRESENTATIVES a resolution which originated in that body, and which has been this day presented to me for my approval, relative to the election of State Treasurer.

The State Treasurer who was elected on the second Tuesday of January, 1838, in compliance with the requisition of the act of Assembly of the 30th day of March, 1811, entered into a bond with five sureties in the amount of eighty thousand dollars, conditioned for the faithful performance of the trusts and duties required of him by law, for the year ending on the second Tuesday of January, A. D. 1839. By the operation of a well settled principle of law, it is incompetent for the Legislature to extend such an obligation beyond the term for which the contract was made, and it follows, that during the extended term which the resolution contemplates, viz: From the second Tuesday (the 8th day) of January, 1839, until Wednesday, the 16th of the same month, the Treasury of the State would be left without the protection which the law now affords to it. To this I cannot consent. I therefore return the resolution to the House of Representatives, in which it originated, in order to afford the Legislature the opportunity of supplying the omission by directing new sureties to be given for the extended time, or, to elect the State Treasurer at the time now fixed by law. Should the two Houses, however, on reconsideration by a constitutional vote adhere to the resolution, no part of the responsibility will devolve on me.

JOS. RITNER.

Executive Chamber, Harrisburg, 28th Dec., 1838.

CONSTITUTION OF THE COMMONWEALTH. 1838.

Chapter III.

THE CONSTITUTION OF THE COMMONWEALTH.

1838.

WE, THE PEOPLE OF THE COMMONWEALTH of Pennsylvania, ordain and establish this Constitution for its government.

ARTICLE I.

Of the Legislature.

Section I. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Sec. II. The representatives shall be chosen annually by the citizens of the city of Philadelphia and of each county respectively on the second Tuesday of October.

Sec. III. No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state three years next preceding his election, and the last year thereof an inhabitant of the district in and for which he shall be chosen a representative, unless he shall have been absent on the public business of the United States or of this State.

Sec. IV. Within three years after the first meeting of the General Assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants

in each: and shall never be less than sixty nor greater than one hundred. Each county shall have at least one representative, but no county hereafter erected shall be entitled to a separate representation until a sufficient number of taxable inhabitants shall be contained within it to entitle them to one representative, agreeably to the ratio which shall then be established.

Sec. V. The Senators shall be chosen for three years by the citizens of Philadelphia and of the several counties at the same time, in the same manner, and at the same places where they shall vote for representatives.

Sec. VI. The number of senators, shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature and apportioned among the districts formed as hereinafter directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third, of the number of representatives.

Sec. VII. The senators shall be chosen in districts, to be formed by the Legislature; but no district shall be so formed as to entitle it to elect more than two senators, unless the number of taxable inhabitants in any city or county shall, at any time, be such as to entitled it to elect more than two, but no city or county shall be entitled to elect more than four senators; when a district shall be composed of two or more counties, they shall be adjoining; neither the city of Philadelphia, nor any county shall be divided in forming a district.

Sec. VIII. No person shall be a senator who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the State four years next before his election, and the last year thereof an inhabitant of the district for which he shall be

chosen, unless he shall have been absent on the public business of the United States or of this State; and no person elected as aforesaid, shall hold said office after he shall have removed from such district.

Sec. IX. The senators who may be elected at the first general election after the adoption of the amendments to the Constitution, shall be divided by lot into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that thereafter one-third of the whole number of senators may be chosen every year. The senators elected before the amendments to the Constitution shall be adopted, shall hold their offices during the terms for which they shall respectively have been elected.

Sec. X. The General Assembly shall meet on the first Tuesday in January, in every year, unless sooner convened by the Governor.

Sec. XI. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker pro tempore, when the speaker shall exercise the office of governor.

Sec. XII. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee to be selected, formed and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised by law to compel the attendance of absent members, in such manner and under such penalties as may be provided.

Sec. XIII. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel

a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free state.

Sec. XIV. The Legislature shall not have power to enact laws annulling the contract of marriage in any case where, by law, the courts of this Commonwealth are or may hereafter be empowered to decree a divorce.

Sec. XV. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as require secrecy; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals.

Sec. XVI. The doors of each house, and of committees of the whole shall be open, unless, when the business shall be such as ought to be kept secret.

Sec. XVII. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. XVIII. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Commonwealth. They shall in all cases, except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same. And for any speech or debate in either house, they shall not be questioned in any other place.

Sec. XIX. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth which shall have been created, or the emoluments of which shall have been increased during such time: and no member of Congress or other person holding any office (except of attorney at law and in the mili-

tia), under the United States or this Commonwealth, shall be a member of either house during his continuance in Congress or in office.

Sec. XX. When vacancies happen in either house, the speaker shall issue writs of election to fill such vacancies.

Sec. XXI. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments as in other bills.

Sec. XXII. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Sec. XXIII. Every bill which shall have passed both houses shall be presented to the Governor. If he approve he shall sign it, but if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to re-consider it. If, after such re-consideration, two-thirds of that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which likewise it shall be re-considered, and if approved by two-thirds of that house, it shall be a law. But in such cases the votes of both houses shall be determined by yeas and nays, and the names of persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted), after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

Sec. XXIV. Every order, resolution, or vote to which the concurrence of both houses may be necessary (except on a question of adjournment), shall be

presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Sec. XXV. No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges, without six months previous public notice of the intended application for the same, in such manners as shall be prescribed by law. Nor shall any charter for the purposes aforesaid be granted for a longer period than twenty years; and every such charter shall contain a clause reserving to the Legislature the power to alter, revoke or annul the same, whenever in their opinion it may be injurious to the citizens of the Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

ARTICLE II.

Of the Governor.

Section I. The Supreme Executive Power of this Commonwealth shall be vested in a Governor.

Sec. II. The Governor shall be chosen on the second Tuesday of October, by the citizens of the Commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them in the presence of the members of both houses of the Legislature. The person having the highest number of votes shall be Governor. But if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members

of both houses. Contested elections shall be determined by a committee to be selected from both houses of the Legislature, and formed and regulated in such manner as shall be directed by law.

Sec. III. The Governor shall hold his office during three years from the third Tuesday of January next ensuing his election, and shall not be capable of holding it longer than six in any term of nine years.

Sec. IV. He shall be at least thirty years of age, and have been a citizen and an inhabitant of this State seven years next before his election; unless he shall have been absent on the public business of the United States or of this State.

Sec. V. No member of Congress or person holding any office under the United States or this State, shall exercise the office of Governor.

Sec. VI. The Governor shall at stated times receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected.

Sec. VII. He shall be commander-in-chief of the army and navy of this Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Sec. VIII. He shall appoint a Secretary of the Commonwealth during pleasure, and he shall nominate, and by and with the advice and consent of the senate, appoint all judicial officers of courts of record, unless otherwise provided for in this Constitution. He shall have power to fill all vacancies that may happen in such judicial offices during the recess of the senate, by granting commissions which shall expire at the end of their next session: Provided, that in acting on executive nominations, the senate shall sit with open doors, and in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays.

Sec. IX. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

Sec. X. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sec. XI. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he shall judge expedient.

Sec. XII. He may, on extraordinary occasions, convene the General Assembly; and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

Sec. XIII. He shall take care that the laws be faithfully executed.

Sec. XIV. In case of the death or resignation of the Governor, or of his removal from office, the speaker of the senate shall exercise the office of Governor until another Governor shall be duly qualified; but in such case another Governor shall be chosen at the next annual election of representatives, unless such death, resignation or removal, shall occur within three calendar months immediately preceding such next annular election, in which case a Governor shall be chosen at the next succeeding annular election of representatives. And if the trial of a contested election shall continue longer than until the third Monday of January next ensuing the election of Governor, the Governor of the last year, or the speaker of the senate who may be in the exercise of the executive authority, shall continue therein until the determination of such contested election, and until a Governor shall be duly qualified as aforesaid.

Of the Secretary of the Commonwealth.

Sec. XV. The Secretary of the Commonwealth shall keep a fair register of all the official acts and proceedings of the Governor, and, shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the Legislature, and shall perform such other duties as shall be enjoined him by law.

ARTICLE III.

Of Elections.

Section I. In elections by the citizens, every white freeman of the age of twenty-one years, having resided in this State one year, and in the election district where he offers to vote ten days immediately preceding such election, and within two years paid a state or county tax, which shall have been assessed at least ten days before the election, shall enjoy the rights of an elector. But a citizen of the United States, who had previously been a qualified voter of this State, and removed therefrom and returned, and who shall have resided in the election district, and paid taxes as aforesaid, shall be entitled to vote, after residing in the State six months. Provided, that white freemen, citizens of the United States, between the ages of twenty-one and twenty-two years, and having resided in the State one year, and in the election district ten days as aforesaid, shall be entitled to vote, although they shall not have paid taxes.

Sec. II. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote viva voce.

Sec. III. Electors shall in all cases, except treason, felony, and breach of surety of the peace, be privileged

from arrest during their attendance on elections, and in going to and returning from them.

ARTICLE IV.

Of Impeachment.

Section I. The House of Representatives shall have the sole power of impeaching.

Sec. II. All impeachments shall be tried by the senate; when sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

Sec. III. The Governor, and all other civil officers under this Commonwealth, shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honour, trust or profit, under this Commonwealth: the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment according to law.

ARTICLE V.

Of the Judiciary.

Section I. The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of Oyer and Terminer and General Jail Delivery, in a Court of Common Pleas, Orphans' Court, Register's Court, and a Court of Quarter Sessions of the Peace, for each county; in justices of the peace, and such other courts as the legislature may from time to time establish.

Sec. II. The judges of the Supreme Court, of the several Courts of Common Pleas, and of such other courts of record as are or shall be established by law, shall be nominated by the governor, and by and with the consent of the senate appointed and commissioned

by him. The judges of the Supreme Court shall hold their offices for the term of fifteen years, if they shall so long behave themselves well. The president judges of the several Courts of Common Pleas, and of such other courts of record as are or shall be established by law, and all other judges required to be learned in the law, shall hold their offices for the term of ten years, if they shall so long behave themselves well. The associate judges of the Courts of Common Pleas shall hold their offices for the term of five years, if they shall so long behave themselves well. But for any reasonable cause which shall not be sufficient ground of impeachment, the governor may remove any of them on the address of two-thirds of each branch of the legislature. The judges of the Supreme Court and the president of the several Courts of Common Pleas shall at stated times receive for their services an adequate compensation to be fixed by law, which shall not be diminished during their continuance in office, but they shall receive no fee or perquisites of office, nor hold any other office of profit under this Commonwealth.

Sec. III. Until otherwise directed by law, the Courts of Common Pleas shall continue as at present established. Not more than five counties shall at any time be included in one judicial district organized for said courts.

Sec. IV. The jurisdiction of the Supreme Court shall extend over the State; and the judges thereof, shall by virtue of their offices, be justices of Oyer and Terminer and General Jail Delivery, in the several counties.

Sec. V. The judges of the Court of Common Pleas, in each county, shall by virtue of their offices, be justices of Oyer and Terminer and General Jail Delivery, for the trial of capital and other offenders therein; any two of the said judges, the president being one, shall

be a quorum: but they shall not hold a Court of Oyer and Terminer, or Jail Delivery, in any county, when the judges of the Supreme Court, or any of them, shall be sitting in the same county. The party accused, as well as the Commonwealth, may, under such regulations as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the Supreme Court.

Sec. VI. The Supreme Court, and the several Courts of Common Pleas, shall, beside the powers heretofore usually exercised by them, have the power of a Court of Chancery, so far as relates to the perpetuating of testimony, the obtaining of evidence from places not within the State, and the care of the persons and estates of those who are non compotes mentis. And the legislature shall vest in the said courts such other powers to grant relief in equity, as shall be found necessary: and may, from time to time, enlarge or diminish those powers or vest them in such other courts as they shall judge proper, for the due administration of justice.

Sec. VII. The judges of the Court of Common Pleas of each county, any two of whom shall be a quorum, shall compose the Court of Quarter Sessions of the Peace, and Orphans' Court thereof; and the register of wills, together with the said judges, or any two of them, shall compose the Register's Court of each county.

Sec. VIII. The judges of the Courts of Common Pleas shall, within their respective counties, have the like powers with the judges of the Supreme Court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

Sec. IX. The president of the court in each circuit within such circuit, and the judges of the Court of Common Pleas within their respective counties, shall

be justices of the peace, so far as relates to criminal matters.

Sec. X. A register's office, for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

Sec. XI. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

ARTICLE VI.

Of Sheriffs and Coroners.

Section I. Sheriffs and coroners shall, at the times and places of elections of representatives, be chosen by the citizens of each county. One person shall be chosen for each office, who shall be commissioned by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices shall be filled by an appointment, to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Of the Militia.

Sec. II. The freemen of this Commonwealth shall be armed, organized and disciplined for its defence, when and in such manner as may be directed by law. Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Of Prothonotaries, Clerks, &c.

Sec. III. Prothonotaries of the Supreme Court shall be appointed by the said court for the term of three years if they so long behave themselves well. Prothonotaries and clerks of the several other courts, recorders of deeds, and registers of wills, shall at the times and places of election of representatives, be elected by the qualified electors of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the governor. They shall hold their offices for three years if they shall so long behave themselves well, and until their successors shall be duly qualified. The legislature shall provide by law, the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by appointments to be made by the governor, to continue until the next general election, and until successors shall be elected and qualified as aforesaid.

Sec. IV. Prothonotaries, clerks of the peace and orphans' courts, recorders of deeds, registers of wills, and sheriffs, shall keep their offices in the county town of the county in which they, respectively, shall be officers, unless when the Governor shall for special reasons, dispense therewith, for any term not exceeding five years after the county shall have been erected.

Of Commissions.

Sec. V. All commissions shall be in the name and by the authority of the Commonwealth of Pennsylvania, and be sealed with the state seal, and signed by the Governor.

Of the State Treasurer.

Sec. VI. A State Treasurer shall be elected annually, by joint vote of both branches of the Legislature.

Of Justices of the Peace and Aldermen.

Sec. VII. Justices of the peace or aldermen shall be elected in the several wards, boroughs and townships, at the time of the election of constables, by the qualified voters thereof, in such number as shall be directed by law, and shall be commissioned by the Governor for a term of five years; but no township, ward or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough.

Officers to be Provided for by Law.

Sec. VIII. All officers whose election or appointment is not provided for in this Constitution, shall be elected or appointed as shall be directed by law. No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of Congress from this state, or any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this state, to which a salary is, or fees or perquisites are by law annexed; and the Legislature may by law declare what state offices are incompatible. No member of the senate or of the house of representatives shall be appointed by the Governor to any office during the term for which he shall have been elected.

Tenure of Office.

Sec. IX. All officers for a term of years shall hold their offices for the terms respectively specified, only on the condition that they so long behave themselves

well; and shall be removed on conviction of misbehaviour in office or of any infamous crime.

Of Duels.

Sec. X. Any person who shall, after the adoption of the amendments proposed by this Convention to the Constitution, fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honour or profit in this State, and shall be punished otherwise in such manner as is, or may be, prescribed by law; but the executive may remit the said offence and all its disqualifications.

ARTICLE VII.

Of Public Schools.

Section I. The Legislature shall, as soon as conveniently may be, provide by law for the establishment of schools throughout the state, in such manner that the poor may be taught gratis.

Of Seminaries of Learning.

Sec. II. The arts and sciences shall be promoted in one or more seminaries of learning.

Of Religious Societies and Corporate Bodies.

Sec. III. The rights, privileges, immunities, and estates of religious societies and corporate bodies shall remain as if the Constitution of this state had not been altered or amended.

Sec. IV. The Legislature shall not invest any corporate body or individual with the privilege of taking private property for public use, without requiring such corporation or individual to make compensation to the owners of said property, or give adequate security therefor, before such property shall be taken.

ARTICLE VIII.

Of the Oath of Office.

Members of the General Assembly, and all officers, executive and judicial, shall be bound by oath or affirmation, to support the Constitution of the Commonwealth, and to perform the duties of their respective offices with fidelity.

ARTICLE IX.

Of the Declaration of Rights.

That the general, great, and essential principles of liberty and free government may be recognised and unalterably established, WE DECLARE THAT

Section I. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring possessing and protecting property and reputation, and of pursuing their own happiness. [See 4 Dall. 258, 260.]

Sec. II. All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness;—For the advancement of these ends, they have, at all times, an unalienable and indefeasible right to alter, reform or abolish their government, in such manner as they may think proper.

Sec. III. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience; and no preference shall ever be given, by law, to any religious establishments or modes of worship. [17 S. & R. 160. 2 Pa. R. 417. 1 Pa. R. 13.]

Sec. IV. No person who acknowledges the being of a God and a future state of rewards and punishments, shall on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth. [See 2 Cowen, 433, n. 572, n. 18 Johns. 98. 4 Am. Jour. 286.]

Sec. V. Elections shall be free and equal.

Sec. VI. Trial by jury shall be as heretofore, and the right thereof remain inviolate. [See 1 Binn. 416. 8 Wheat. 674. 3 Paige, 75.]

Sec. VII. The printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence: And in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases. [See 3 Yeates, 520.]

Sec. VIII. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures: And no warrant to search any place, or to seize any person or things, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation [See 6 Binn. 316. 3 Cranch, 548, 453.]

Sec. IX. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have com-

pulsory process for obtaining witnesses in his favour, and, in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers or the law of the land.

Sec. X. No person shall for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger, or by leave of the court, for oppression and in misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made. [See 3 Yeates, 362. 6 Binn. 509. 20 Johns. 735. 2 Dall. 312. 2 Johns. Ch. R. 164. 1 S. & R. 514. 2 Raw. 448. 2 Am. Ju. 210. 12 Mass. 466. 1 Ashm. 417.]

Sec. XI. All courts shall be open, and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered, without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts, and in such cases as the legislature may by law direct.

Sec. XII. No power of suspending laws shall be exercised, unless by the legislature, or its authority.

Sec. XIII. Excessive bail shall not be required, nor excessive fines be imposed, nor cruel punishments inflicted.

Sec. XIV. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Sec. XV. No commission of Oyer and Terminer or jail delivery shall be issued.

Sec. XVI. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. XVII. No ex post facto law, nor any law impairing contracts shall be made. [See 3 Dall. 386, 396. 6 Binn. 271. 8 Wheat. 84, 92, 256. 5 Wheat. 420. 4 Wheat. 122, 309, 518. 6 Wheat. 131. 12 Wheat. 213. 16 Johns. 233. 13 Mass. 16.]

Sec. XVIII. No person shall be attainted of treason or felony by the legislature.

Sec. XIX. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth; the estate of such persons as shall destroy their own lives, shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. XX. The citizens have a right, in a peaceable manner, to assemble together, for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address or remonstrance.

Sec. XXI. The right of citizens to bear arms, in defence of themselves and the state, shall not be questioned.

Sec. XXII. No standing army shall, in time of peace, be kept up without the consent of the Legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Sec. XXIII. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Sec. XXIV. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behaviour. [See 1 Peters. 546.]

Sec. XXV. Emigration from the state shall not be prohibited.

Sec. XXVI. To guard against transgressions of the higher powers which we have delegated, WE DECLARE, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate.

ARTICLE X.

Of Amendments to the Constitution.

Any amendment or amendments to this constitution may be proposed in the senate or house of representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the secretary of the commonwealth shall cause the same to be published three months before the next election, in at least one newspaper in every county in which a newspaper shall be published; and if in the legislature next afterwards chosen such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of the commonwealth shall cause the same again to be published in manner aforesaid, and such proposed amendment or amendments shall be submitted to the people in such manner and at such time, at least three months, after being so agreed to by the two houses as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the qualified voters of this state voting thereon such amendment or amendments shall become a part of the constitution;

but no amendment or amendments shall be submitted to the people oftener than once in five years; Provided, that if more than one amendment be submitted, they shall be submitted in such manner and form, that the people may vote for or against each amendment separately and distinctly.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained, That,

Section I. All laws of this commonwealth in force at the time when the said alterations and amendments in the said constitution shall take effect, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

Sec. II. The alterations and amendments in the said constitution shall take effect from the first day of January, eighteen hundred and thirty-nine.

Sec. III. The clauses, sections, and articles of the said constitution, which remain unaltered, shall continue to be construed and have effect as if the said constitution had not been amended.

Sec. IV. The general assembly which shall convene in December, eighteen hundred and thirty-eight, shall continue its session, as heretofore, notwithstanding the provision in the eleventh section of the first article, and shall at all times be regarded as the first general assembly under the amended constitution.

Sec. V. The governor who shall be elected in October, eighteen hundred and thirty-eight, shall be inaugurated on the third Tuesday in January, eighteen

hundred and thirty-nine, to which time the present executive term is hereby extended.

Sec. VI. The commissions of the judges of the supreme court, who may be in office on the first day of January next, shall expire in the following manner: The commission which bears the earliest date shall expire on the first day of January, Anno Domini one thousand eight hundred and forty-two; the commission next dated shall expire on the first day of January, Anno Domini one thousand eight hundred and forty-five; the commission next dated shall expire on the first day of January, Anno Domini one thousand eight hundred and forty-eight; the commission next dated shall expire on the first day of January, Anno Domini one thousand eight hundred and fifty-one; and the commission last dated shall expire on the first day of January, Anno Domini one thousand eight hundred and fifty-four.

Sec. VII. The commissions of the president judges of the several judicial districts and of the associate law judges of the first judicial district shall expire as follows: The commissions of one-half of those who shall have held their offices ten years or more at the adoption of the amendments to the constitution, shall expire on the twenty-seventh day of February, one thousand eight hundred and thirty-nine; the commissions of the other half of those who shall have held their offices ten years or more at the adoption of the amendments to the constitution, shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-two; the first half to embrace those whose commissions shall bear the oldest date. The commissions of all the remaining judges who shall not have held their offices for ten years at the adoption of the amendments to the constitution shall expire on the twenty-seventh day of February next after the end of ten years from the date of their commissions.

Sec. VIII. The recorders of the several mayors'

courts, and other criminal courts in this commonwealth, shall be appointed for the same time, and in the same manner, as the president judges of the several judicial districts; of those now in office, the commission oldest in date shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-one, and the others every two years thereafter according to their respective dates. Those oldest in date expiring first.

Sec. IX. The legislature at its first session under the amended constitution, shall divide the other associate judges of the state into four classes. The commissions of those of the first class shall expire on the twenty-seventh day of February, eighteen hundred and forty; of those of the second class on the twenty-seventh day of February, eighteen hundred and forty-one; of those of the third class on the twenty-seventh day of February, eighteen hundred and forty-two; and those of the fourth class on the twenty-seventh day of February, eighteen hundred and forty-three. The said classes from the first to the fourth shall be arranged according to the seniority of the commissions of the several judges.

Sec. X. Prothonotaries, clerks of the several courts (except of the supreme court), recorders of deeds and registers of wills, shall be first elected under the amended constitution, at the election of representatives in the year eighteen hundred and thirty-nine, in such manner as may be prescribed by law.

Sec. XI. The appointing power shall remain as heretofore, and all officers in the appointment of the executive department shall continue in the exercise of the duties of their respective offices until the legislature shall pass such laws as may be required by the eighth section of the sixth article of the amended constitution, and until appointments shall be made under such laws; unless their commissions shall be superseded by new appointments, or shall sooner expire by their

own limitations, or the said offices shall become vacant by death or resignation, and such laws shall be enacted by the first legislature under the amended constitution.

Sec. XII. The first election for aldermen and justices of the peace shall be held in the year eighteen hundred and forty, at the time fixed for the election of constables. The legislature at its first session under the amended constitution shall provide for the said election and for subsequent similar elections. The aldermen and justices of the peace now in commission, or who may in the interim be appointed, shall continue to discharge the duties of their respective offices, until fifteen days after the day which shall be fixed by law for the issuing of new commissions, at the expiration of which time, their commissions shall expire.

In testimony that the foregoing is the amended constitution of Pennsylvania, as agreed to in convention, We the officers and members of the convention have hereunto signed our names, at Philadelphia, the twenty-second day of February, Anno Domini one thousand eight hundred and thirty-eight, and of the Independence of the United States of America the sixty-second.

JOHN SERGEANT, President.

Daniel Agnew	Chas. Brown
Wm. Ayres	Jeremiah Brown
M. W. Baldwin	William Brown
Ephraim Banks	Pierce Butler
John Y. Barclay	Samuel Carey
Jacob Barndolar	John Cummin
Chas. A. Barnitz	Thomas S Cunningham
Andrew Bedford	William Curll
Thos. S. Bell	Wm. Darlington
James Cornell Biddle	George Chambers
Lebbeus L. Bigelow	John Chandler
Saml. C. Bonham	Jos. R. Chandler

Ch. Chauncey
Nathaniel Clapp
James Clarke
John Clarke
William Clark
A. J. Cline
Lindley Coates
R. E. Cochran
Thos. P. Cope
Joshua F. Cox
Walter Craig
Richd. M. Crain
Geo. T. Crawford
Cornelius Crum
Benjn. Martin
John J. M'Cahen
E. T. M'Dowell
James M'Sherry
Mark Darrah
Harmar Denny
John Dickey
Joshua Dickerson
Jacob Dillinger
Jas. Donegan
J. R. Donnell
Joseph M. Doran
James Dunlop
Thomas Earle
D. M. Farrelly
Robt. Fleming
Walter Forward
John Foulkrod
Joseph Fry, Jr.
John Fuller
John A. Gamble
William Gearhart
David Gilmore
Virgil Grenell
William L. Harris
Thomas Hastings
Ezra S. Hayhurst
Wm. Hays
Abm. Helfenstein
M. Henderson
Wm. Henderson
Wm. Hiester
William High
Jos. Hopkinson
John Houpt
Jabez Hyde
Charles Jared Ingersoll
Phs. Jenks
George M. Keim
James Kennedy
Aaron Kerr
Jos. Konigmacher
Jacob Krebs
H. G. Long
David Lyons
Alex Magee
Joel K. Mann
W. M. Meredith
James Merrill
Levi Merkel
Wm. L. Miller
James Montgomery
Christian Meyers
D. Nevin
Wm. Overfield
Hiram Payne
Matthias Pennypacker
James Porter
James Madison Porter
Saml. A. Purviance

E. C. Reigart
A. H. Read
Geo. W. Riter
Jno. Riter
H. Gold Rogers
Samuel Royer
James M. Russell
Daniel Saeger
John Morin Scott
Tobias Sellers
G. Seltzer
Geo. Serrill
Henry Scheetz
George Shilleto
Thomas H. Sill
Geo. Smith
Wm. Smyth
Joseph Snively
Jno. B. Sterigere
Jacob Stickel
Ebenezer W. Sturdevant
Thomas Taggart
Morgan J. Thomas
James Todd
Thomas Weaver
Jacob B. Weidman
R. G. White
Geo. W. Woodward
R. Young
James Polock

Attest, S. Shoch, Secretary.

G. L. Faus,
J. Williams,
} Assistant Secretaries.

David R. Porter

DAVID RITTENHOUSE PORTER.

Governor of the Commonwealth.

1839-1845.

Chapter IV.

DAVID RITTENHOUSE PORTER.

Governor of the Commonwealth,

1839-1845.

BORN IN MONTGOMERY COUNTY, NEAR NORristown, in 1788, Governor Porter was the son of a distinguished officer of the Revolutionary forces, who declined the offices of Brigadier General in the Army and Secretary of War, and was for several years Surveyor General of Pennsylvania. A brother became Governor of Michigan, another was a member of President Tyler's Cabinet, and still others attained to dignity and prominence in their several communities. He was himself educated at an academy in Norristown and contemplated a course at Princeton when the destruction of that institution by fire put an end to his plans. He then became his father's assistant in the Surveyor General's office, and at the same time pursued the study of law; his health being inadequate to these duties he determined to engage in more active pursuits and hit upon the iron business, in which, however, he was not successful.

In 1819 and 1820, he was elected to the Legislature as the representative from Huntingdon county. On his retirement from the House, he was appointed Pro-

thonotary and Clerk of the Courts of Huntingdon County, to which were afterwards added the positions of Recorder of Deeds and Register of Wills. In 1836 he was elected to the State Senate, where his ability, breadth of information and sound judgment soon gave him great influence in all matters of legislation, particularly in connection with public works.

In 1838, he was elected Governor, the election being disputed by the Anti-Masonic party; much disorder resulted for some time in connection with the organization of the House upon which hinged the settlement of the dispute, the disturbances being known as the "Buck-shot War." His administration, however, was so satisfactory to the people, that he was re-elected in 1841 by a majority nearly four times that of his first election.

He devoted much study to the subject of the development of transportation lines,—the improvement of waterways and the construction of railways. His allusion to the future construction of a through railway line from the Atlantic coast to St. Louis by way of Pittsburgh and through Ohio and Indiana, was made the subject of much partisan ridicule at this time, but he lived to go over just such a route without change of cars himself.

The financial depression consequent upon the over-issue of paper money by the state banks produced a condition of monetary stringency which had a serious effect upon the credit of the State, but through his unremitting efforts, assisted by the legislature, confidence was again restored.

The riots in Philadelphia in 1844 consequent upon the so-called "American Republican Associations," whose tenets comprised the exclusion of foreigners from public office, the retention of the bible in the schools, and greater severity in the requirements for naturalization, demanded a high degree of diplomacy. Conflicts between the foreign elements and the civil authorities and later between the foreigners and the militia, in which some were killed and many injured, had contributed to the seriousness of the situation and pacification had passed beyond the power of the local authorities. Governor Porter, however thrust himself into the breach and by the exercise of his personal influence succeeded in quelling the disturbance.

Soon after this his term of office expired by constitutional limitation and he retired to private life, where for many years he continued to exercise a strong but salutary influence upon the affairs of local and national interest. His death occurred in 1867. His terms of office as Governor extended from January 15, 1839, to January 21, 1845.

To the Speaker of the Senate Giving Notice of the Appointment of Francis R. Shunk to be Secretary of the Commonwealth.

Sir:

BE PLEASED TO INFORM THE SENATE THAT I have, on this day, appointed and commissioned Francis R. Shunk to be the Secretary of the Commonwealth, agreeably to the eighth section of the second article of the constitution.

I have the honor to be, sir,
Your most ob't serv't.,
DAVID R. PORTER.

Harrisburg, January 14, 1839.

To the Assembly Concerning the Financial Condition of the Commonwealth.

Gentlemen:

THE MONEY IN THE TREASURY OF THE Commonwealth being inadequate to discharge demands upon it, now due, and that will become due on the 1st of February next, I conceive it to be my imperative duty, to call the immediate attention of the Legislature to this subject. It is almost superfluous to remark, that the credit, the faith, and the honor of the State, will all be deeply affected, unless, by the prompt action of the Legislature, this deficiency should be supplied.

It would be an everlasting stigma upon the fair fame of Pennsylvania, if, with her vast resources and her abundant means to perform all her engagements, she should permit her creditors, for a single hour, to knock at the door of an empty treasury.

Every consideration of duty and of policy, requires at the hands of the Legislature and the Executive, the most unfaltering fidelity to the public engagements. Nothing is gained by postponing the time of action, for it must eventually arrive. The policy is as unwise as the spirit is unworthy of statesmen, to surrender to our successors the performance of duties that justly devolve on ourselves.

I will proceed to lay before you the financial condition of the Commonwealth, so far as it appears to me to be connected with your deliberations on the subject; premising, that I have derived most of my fiscal information from those official documents which are already before you, and which are presumed to furnish accurate statements of the several matters to which they respectively relate. I have so recently entered upon the discharge of the duties of the office conferred upon me by the people, that I do not pretend to possess the familiar practical knowledge of the financial concerns of the Commonwealth, that can only be acquired by an active official participation in all their detailed operations. I have, however, devoted to the subject, that careful and scrupulous attention due alike to its importance, and to the just expectation of the Legislature that no Executive communication will be submitted to it, in the accuracy of which, implicit confidence may not be reposed.

In order to present a full and satisfactory view of the finances of the Commonwealth, I will lay before you, in the first place, the entire amount of the public debt, composed of permanent, temporary, and conditional loans, together with the estimated value of the public property, consisting of stocks, canals, rail roads, &c., Viz:

Debts contracted for public improvements by canals and rail roads, ...	$22,229,003 32
Loans not relating to canals and rail roads, ...	1,680,000 00

Loans for Eastern Penitentiary, by act of 21st March, 1831,	120,000 00
Loan for Union Canal Company, by act of 1st March, 1833,	200,000 00
Temporary loan by act of 16th June, 1836,	200,000 00
Temporary loan by act of 14th April, 1838,	800,000 00
Debts due on appropriations to miscellaneous objects,	1,545,729 86
Debts due by appropriations to internal improvements,	532,057 01
Debt due United States, on account of conditional loan of surplus revenue,	1,867,514 78
Amount of public debt,	$30,174,304 97

Public Property.

The public works, canals, rail roads, &c.,	$25,109,644 92
Bank stock,	2,108,700 00
Turnpike and bridge stock,	2,726,396 58
Canal and navigation stock,	528,000 00
Rail road stock,	179,564 59
Money due on unpatented lands,	1,000,000 00
Estimated value of public property,	$31,652,306 09

It is right to remark in respect to this statement, that I have not entered upon the debit side an item of $330,000, a sum borrowed from the bank of the United States, and an item of $50,000, borrowed from the Harrisburg Bank by my predecessor, under circumstances explained in his message, on the assumption of which the Legislature has not yet acted. And

in regard to the estimated value of the public works, canals, rail roads, &c., it is doubted very much whether her actual value is not far greater than here represented.—The estimate refers more directly to their cost, than to their present value. It is possible that some additional liabilities of the State might arise, if the Legislature should think proper, for the public good, to divest any corporations created by authority of this Commonwealth, of the privileges granted by law, in consideration of which they have paid bonuses into the public Treasury. This, however, must be regarded as a remote contingency. Of the foregoing public debt, the amount of $5,945,201.65 has been contracted within the last three years, exclusive of the items above referred to, and not charged.

It is manifest, from this view of the entire amount of the debts and resources of the Commonwealth, that her means are ample for all emergencies, although a portion of the public property may not be immediately available.

The principal purpose of this message is, however, to call your attention to the present condition of the finances, as exhibited by the following statement of monies now due, or becoming due, on the 1st February next, and immediately thereafter, viz:

Stock loan per act of 30th March, 1824, payable 1st January, 1839, ...	$220,000 00
Interest on permanent and temporary loans, ...	602,250 00
For ordinary repairs on public improvements, ...	400,000 00
Balance due of appropriations per act of 14th April, 1838, ...	242,864 23
	$1,465,114 23

To which, perhaps, may be added the sum borrowed for repairs of canal on Juniata Division, ...	380,000 00
	$1,845,114 23

The Legislature will also be required at its present session to make provision to pay the following loans and demands on the Treasury, due at the time specified:

Stock loan, per act 30th March, 1824, due 1st May next, ...	380,000 00
Stock loan, per act 7th December, 1829, and 4th January, 1831, due 1st May next, ...	90,300 00
Stock loan, per act 11th April, 1825, due 1st January, 1840, ...	150,000 00
Temporary loan, per act 16th June, 1836, due in June, 1839, ...	200,000 00
Temporary loan, per act 14th April, 1838, due at various times, from 18th June to 31st October, 1839, ...	600,000 00
Temporary loan, per 3d section act 14th April, 1838, due before 1st January, 1840, ...	200,000 00
Interest on loans due on or before 1st August, 1839, ...	618,250 00
Salaries of toll collectors, &c., remainder of year, ...	50,000 00
Due for repairs, ...	77,080 97
Expenses of motive power, ...	233,563 82
All other expenditures (including deduction), ...	1,129,027 14
	$5,573,036 16

Deduct amount of estimated receipts for remaining part of year, ...	1,644,918 82
Total deficit for 1839, ...	$3,928,117 34

It will be perceived, that the permanent and temporary loans falling due at the times mentioned in this statement, constitute a part of the State debt already adverted to, and by providing for their payment the aggregate amount is not increased.

I have included the necessary appropriation for ordinary repairs, among the demands to be provided for on the 1st February, because it is a fund that should be at all times in readiness, and a great portion of it will be needed as soon as the business on the improvements commences in the spring. Provision must also be made for the loan falling due on the 1st of January, 1840, by the Legislature at its present session, as by the amended Constitution the meeting of the next Legislature is postponed beyond the day of payment.

I will also state on this subject that, at the solicitation of a number of gentlemen deeply interested in the transporting business on our public improvements, I was induced a short time ago to make a personal examination of the portion of the canal and slack water navigation recently repaired in Huntingdon county, and am satisfied that its safety, permanence and usefulness, all depend on its receiving the speedy and thorough attention of the Canal Commissioners. Unless the new works be repaired, and in some places reconstructed before the spring freshets, there is imminent danger that a considerable portion of them will be again swept away.

The estimated receipts into the treasury during the present year, with the exception of two items, amounting to $225,000, are composed of the ordinary revenues

of the State alone. It is rendered certain that the fourth instalment of the surplus revenue from the general government will not be received, nor will there be bank bonuses, or any other of those accidental and extraordinary means of replenishing the treasury, to depend upon, which have poured into it about $7,000,000, during the last three years. The State must rely henceforth on her fixed and certain, but gradually increasing ordinary revenues, unless loans or taxation be deemed advisable, to discharge all her liabilities, and to complete all her contemplated improvements. To do this successfully, rigid but enlightened economy should be consulted in all her expenditures, and those habits of lavish and ill-judged appropriations, engendered by the sudden and unexpected acquisition of public money, through means which can seldom if ever again happen, must be promptly corrected. It is frequently observed in the case of private individuals, that the sudden acquisition of wealth is fatally injurious to the prudent habits and sound morals of the possessor. It is more emphatically true in the case of government—corruption creeps in unperceived, through a thousand channels, and eats out the substance of the people before they are aware of its stealthy approach.

Habits of improvident profusion grow fashionable, which are difficult to eradicate, and those who recommend that they should be restrained in the slightest degree, are stigmatized as parsimonious and illiberal. At the hazard even of incurring this reproach, I would earnestly invoke your undivided attention to this branch of our public policy. The enormous and unprecedented deficit in the treasury, now to be supplied, is an instructive commentary on its practical results. If the same policy that has brought us into this condition is persisted in, it must effectually paralyze the energies of this great State. The public debt must be swelled to an inordinate amount, or

the prosecution of our valuable system of public improvements must be suspended. You have already a balance to raise of more than $3,000,000, before you can make any appropriations whatever to the completion or extension of any of the unfinished public improvements in which the State has already so much unproductive money invested.

The question is then submitted entirely to your consideration, to determine what appropriations to new works shall be made at the present session. My predecessor recommends in his annual message, the appropriation of at least the following sums, to the following named works, viz:

To the Erie extension, ...	$500,000 00
North Branch canal, ...	500,000 00
Gettysburg rail road, ...	300,000 00
West Branch canal, ...	200,000 00
Wisconisco canal, ...	100,000 00
Allegheny feeder, ...	100,000 00

The Canal Commissioners in their report, recommend the appropriation of the following sums to the works designated, viz:

To the Erie Extension, ...	$1,200,000 00
North Branch, ...	1,200,000 00
Gettysburg rail road, ...	600,000 00
Sinnemahoning extension, ...	300,000 00
Allegheny feeder, ...	200,000 00
Wisconisco canal, ...	286,000 00
	$3,786,000 00

And they recommend also, that the further sum of $1,256,467.77 should be appropriated for the "current year, as necessary for the permanent repair and prosperity of the improvements." I beg leave to refer you to the message and report for the explanatory informa-

tion accompanying these several recommendations. I am not aware of having in my power, any communication to make that would materially aid your deliberations on this head, except to suggest the propriety and necessity of providing, by some judicious prospective legislation, not only for the payment of the appropriations that may be made at the present session, but for the mode of obtaining money hereafter, when needful, to continue and complete the works to which such appropriations are applied. The sums appropriated, have usually been exhausted before the next meeting of the legislature, and those engaged in the construction of our public works, have been compelled to make sacrifices to enable them to prosecute their labors, or to dismiss their workmen, until funds be provided by law. Many months elapse before legislative action can be had on the subject, and before the negotiation of the necessary loan, when authorized, the work is frequently abandoned by the contractor, or his workmen have sought employment elsewhere, and by the time the requisite funds are obtained operations are to be commenced anew; and thus it may be fairly assumed, that our public improvements have cost perhaps thirty per cent. more than they would have done, if timely provision to continue their prosecution had been made. If the contractor knew beforehand, what amount of money he might rely upon as forthcoming, when wanted, he could make his arrangements accordingly, to his own and the public advantage. The work would progress with greater facility, and of consequence enable contractors to do it cheaper and more expeditiously than heretofore. The public faith would at all times be regarded as sacred, and the contractors (a class of men who have certainly had some cause to complain), would be essentially benefited by the adoption of this policy, and also the numerous laborers and artizans, by whose in

valuable services our great improvements have been constructed, would be in a good degree secured from the suffering and destitution too often inflicted upon them by the failures of the contractors on our public works.

In order to remedy this state of things in future, I beg leave to recommend to the Legislature the enactment of a law authorizing the Governor, with the sanction of the Commissioners of the internal improvement fund and Canal Commissioners, or under such other checks as may be deemed advisable, to borrow such sums of money as may be found necessary to carry on the several lines of improvements until the meeting of the next Legislature, whenever the appropriations to the same may happen to become exhausted. Requiring, of course, that the money so obtained be placed in the treasury of the commonwealth, disbursed and accounted for in the manner provided by law.

It would be expedient that the sum which might be so obtained, should be limited to a reasonable amount, and that the rate of interest and terms of the loan, should be strictly defined. It seems to me that the adoption of any other principles of action in relation to the prosecution of our system of internal improvements, cannot be prudent and salutary. The measures themselves must fluctuate often, the works progress tardily, and the expense of their construction be much increased. Nor can I omit suggesting further to you the obviously sound policy of looking in your legislative action to the speedy completion of the main lines of improvements between the eastern and western extremities of the Commonwealth, the Erie extension to the lakes, and the North Branch canal, leading into the flourishing western counties of the state of New York. The instant these works are finished, the trade upon them must be augmented in a manifold degree.

The State has already large sums invested in them, from which she will realize no returns of consequence till they are finished. Other works of undoubted utility, leading directly into these principal highways to market, will next deserve attention; but in what respect the Gettysburg rail road claims to rank in the first, or even in the second of these classes, is more than I can discover. It is well worth the serious consideration of the Legislature, whether in the present embarrassed condition of the finances of the State, that work ought not to be abandoned, till some more auspicious season for resuming it arrives. On no part of our system of improvements has public opinion been more emphatically pronounced. If completed, its advantage to Pennsylvania is questionable, if indeed it be not absolutely useless—its commencement was injudicious—the cost of its construction is enormous, and should it be abandoned, the only disadvantage will be the loss of a very large sum of money now irretrievably consumed by it, which will be vastly increased if the state perseveres in the prosecution of the work. I respectfully submit this subject to the candor and good sense of the legislature, believing that its further prosecution at present is not warranted by either prudence or patriotism.

Being decidedly in favor myself of a judicious and comprehensive system of public improvements, reaching all practicable points, and accommodating all sections of the commonwealth alike, I should be happy to co-operate with the Legislature in completing it at the earliest possible day, and would rejoice to become instrumental in carrying such a system into speedy operation; but, finding the Treasury in a situation that seems to forbid all hope of engaging in that undertaking until our fiscal concerns are restored to a sound and healthy state, I respectfully suggest to the Legislature the impolicy of applying the funds of the Com

monwealth, at the present time, to any other works than the main lines and their immediate tributaries. It cannot be long before the increasing ordinary revenue arising from the tolls of the canals and rail roads of the Commonwealth, will defray all the expenses necessary to keep them in repair and pay the interest of the money expended in their construction. Then will the State, for all practical purposes, be free from debt and be fully able to undertake, without fear of embarrassment, the extension and completion of her noble improvement system until it touches every county within her extensive limits and returns to their citizens the entire sum of their contributions, to the system in its commencement and progressive advance towards their own homes. I cannot close this brief reference to our system of public improvements without inviting the attention of the Legislature to two subjects, which, though not immediately connected with the leading object of this communication, are yet so essentially necessary to the full fruition of the benefits to be derived from our main lines of canals and rail roads between the eastern and western sections of the Commonwealth, as to awaken the earnest solicitude of every true Pennsylvanian. I allude to the removal of the obstructions to steamboat navigation in the Allegheny, Ohio and Mississippi rivers, from Pittsburg to the Gulf of Mexico, and from Pittsburg up the Allegheny as far as the same may be found practicable by the survey authorized under direction of the General Government, and to the construction of a continuous rail road from the city of Pittsburg through or near the Capitols of Ohio, Indiana and Illinois, to some point on the Mississippi river at or near St. Louis.

By the completion of those important undertaking, a great amount of business would be at once thrown upon our improvements. The merchandise of various

kinds from the eastern states, and the agricultural and mineral productions of the rich and flourishing southern and western states, that would pass through Pennsylvania, must be far beyond any present computation. The rapidly increasing trade of the lakes, too, which is fast outstripping the hopes of the most sanguine, would descend the Allegheny river and contribute largely to swell the business of our canals and rail-roads. The tolls on our main lines would be so much increased as to amply sustain the less profitable portions of our system, without rendering it necessary to make the slightest addition to the State debt, or to any of the burthens imposed on the people. The trade of the growing and prosperous cities of Philadelphia and Pittsburg would be immensely multiplied, and the southern and western states themselves, now feeling the want of such mediums of communication to an unparalleled extent, would receive an impulse of no ordinary influence upon their prosperity and greatness. A glance at the map of the Union, will convince every many of the importance of these improvements to Pennsylvania as well as to the vast regions of country of unsurpassed fertility and mineral wealth, which would find the canals and rail roads of this State their direct highways to market. In order to carry into effect the views herein expressed, I respectfully recommend the propriety of adopting the proper steps to enlist the General Government in the project of clearing out the obstructions to the navigation of the Ohio and Mississippi rivers by steamboats from Pittsburg, which is a port of entry, to the Gulf of Mexico; and also from Pittsburg up the Allegheny to such point as may be fixed in the survey, authorized by act of Congress, as the termination of steamboat navigation. The prosecution of such works as these, by the National Government, falls directly and properly within its legitimate power, according to the

strictest interpretation of the constitution. And I would also recommend the adoption of measures, either by appointing a committee of the Legislature or by such other efficient mode as may be thought expedient to secure the joint and united action of the several states interested in the project of constructing a continuous rail road communication between Pittsburg and St. Louis. This may be effected by a joint incorporation of a company, or of several companies, with authority for the purpose, or by the states through which the road would pass, undertaking it themselves upon terms mutually assented to by all. It would afford me great pleasure to transmit to the Legislature of these states such resolutions or information as will tend to bring about this desirable result. It may not be amiss to add that the bold and sagacious policy of our southern and northern neighbors, to secure the trade of the South and West, is well calculated to admonish Pennsylvania to be on the alert. When the countless advantages, to which I have barely adverted, may be firmly and securely grasped without the slightest expense or inconvenience to the people, let them not be surrendered by legislative procrastination. The day for action has already arrived.

In reference to the mode of obtaining funds to supply the present wants of the Treasury, I am in possession of no further information than is already before you, in the report of the State Treasurer and in the message of my predecessor. No other alternative seems to be presented, than taxation or loans:—of the two, the latter appears least objectionable, because productive of least hardship to the people, is less expensive, and can be carried into effect with greater facility. That the credit and resources of the State are ample to extricate her, in the present crisis from embarrassment, is a fact which no intelligent citizen can doubt. It is in no spirit of self-sufficiency or

empty gratulation, that every citizen of Pennsylvania justly looks upon this Commonwealth as second to none of the sister States, in the industry, frugality, and integrity of her citizens—in the extent, quality, and the accessibility of the boundless resources which nature has scattered throughout her borders with a prodigal hand—in her coal fields, her iron ore, her agricultural productions—and in her stupendous system of internal improvements, connecting together her remotest extremities, unlocking her richest resources, and marked, in its conception by the comprehensive reach of mind which entitled its projectors and founders to rank with the first statesmen of the age. The credit of Pennsylvania, resting on this foundation, can be shaken by no convulsion that does not overturn the Government itself, and dissolve society into its original elements. Pecuniary embarrassments, it is true, may arise from ill-judged measures, extravagant expenditures, or short-sighted policy; but they must, of necessity, be of temporary duration. Time soon detects fallacies, exposes errors, regulates derangements, and corrects misgovernment. One failure to comply with her engagements, on the part of the State, becomes the parent of future precautions against like occurrences, and serves but to show the faithful fidelity of the people to their obligations, because it is stamped with the seal of universal condemnation or regret.

It is with no ordinary feelings of State pride and satisfaction, that I express my firm confidence in the abundant means now possessed by the Commonwealth to pay her public debt by the sale of the public improvements, in the construction of which that debt was mainly contracted, if such measure was deemed necessary or wise; and also my conviction, equally firm and gratifying, in the increasing value of her means to meet all future liabilities, created by the entire com-

pletion of our system of improvements, if, in the achievement of this great undertaking, we follow the dictates of prudence and experience. Nothing but the improvident or corrupt mismanagement of her rulers, can mar the bright prospect that is opening on the destinies of Pennsylvania.

Having recently passed through a period of unexampled excitement and agitation, the people of this great Commonwealth are anxious for repose. Social commotions, produced by political, pecuniary, or any other causes, are destructive to the best interests and substantial welfare of the community. They cripple business of all kinds, retard public improvements, deprive the laboring portion of our fellow-citizens of their means of support, and tend directly to unsettle the foundation of our republican institutions. Let us hope that this condition of things is at an end—that, henceforth a spirit of undeviating regard for the public weal, and of unswerving respect for the laws of the State, may be cherished, both by her rulers and by her people. Public opinion, the unfailing corrective of all abuses in a free Government, calls loudly on every department of our, to direct their strongest efforts to the restoration to the state of tranquility and confidence in the intelligence and patriotism of the people, that distinguished the administrations of our early republican predecessors. Let this be done, and repose, prosperity, and patriotic concord will again and forever abide in our beloved Commonwealth.

In connection with the statement I have felt it my duty to give of the financial condition of the State, I have thought these considerations respecting her credit and resources necessary and proper to prevent misapprehension, and to show that, though monetary embarrassments do exist, yet the foundations of her prosperity and glory are neither shaken nor impaired.

DAVID R. PORTER.

26th January, 1839.

To the Assembly Transmitting Certain Documents.

Gentlemen:

I HAVE RECEIVED A COMMUNICATION FROM A. J. Pleasanton, as acting Paymaster General and disbursing officer of volunteers, and accompanying documents, in relation to the payment of the troops of the first and eleventh divisions of the Pennsylvania Militia, who were ordered into service by the late Governor, the expense of which, as appears by said documents, amounts to the sum of $147,058.92 cents. Copies of which are herewith transmitted, for the information of the General Asesmbly.

DAVID R. PORTER.

Executive Chamber, Harrisburg, Jan. 29, 1839.

[DOCUMENTS OMITTED.]

Proclamation Superseding and Annulling the Appointments of Daniel Stanard, John McCahan, William A. Lloyd and Edward Shoemaker as Agents for the Discovery of Property belonging to the Estates of the late John Nicholson and Peter Baynton.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. DAVID R. PORTER, Governor of the said Commonwealth, sends Greeting to All whom it may Concern:

A PROCLAMATION.

Whereas, in and by an act of the General Assembly of this Commonwealth, passed the eleventh day of February, in the year of our Lord one thousand eight hundred and twenty-five, entitled "An act for the sale

of lands late the estate of John Nicholson and Peter Baynton, on which the State has a lien, and for other purposes," it is made the duty of the Governor to appoint one or more Agents for the purpose of discovering any lands or other property within this Commonwealth, which the said John Nicholson and the said Peter Baynton had an interest in, or claimed title to at the time of their death on which the Commonwealth had a lien; And whereas, in accordance with the provisions of the said recited act, on the 9th day of February, A. D. 1836, Daniel Stanard, of the county of Indiana; on the 26th May, 1836, John McCahan, of the county of Huntingdon; on the 25th day of November, A. D. 1836, William A. Lloyd, of the county of Northumberland; and on the 28th day of March, A. D. 1837, Edward Shoemaker, of the county of Cambria, were severally appointed by the (then) Governor of Pennsylvania, by Commissions under the Great Seal of the State, to do and perform the duties by the act aforesaid. Now know ye that in virtue of the power and authority vested in me by the Constitution and laws of this Commonwealth, and for good and sufficient causes, I, David R. Porter, Governor of the Commonwealth of Pennsylvania aforesaid, Do hereby revoke and annul and supersede the appointments and Commissions of the said Daniel Stanard, John McCahan, William A. Lloyd and Edward Shoemaker: and all the rights, powers and authorities which by the said recited act of the General Assembly, and all acts having relation thereto, were vested in the said Daniel Stanard, John McCahan, William A. Lloyd and Edward Shoemaker, are hereby revoked, annulled and superseded, from the day of the date of these presents, of which all concerned will take notice and govern themselves accordingly.

Given under my hand and the Great Seal of the State at Harrisburg this thirty-first day of January,

in the year of our Lord One thousand eight hundred and thirty-nine, and of the Commonwealth the sixty-third.

By the Governor.

Frs. R. Shunk,

Secretary of the Commonwealth.

To the Senate Nominating Thomas Jones to be an Associate Judge for Chester County.

Executive Department,
Harrisburg, February 4, 1839.

Gentlemen:

IN ACCORDANCE WITH THE PROVISIONS OF the Constitution, I nominate Thomas Jones to be an Associate Judge, in and for the county of Chester, in the room of Cromwell Pearce, Esq., resigned.

DAVID R. PORTER.

To the Assembly Concerning Certain Legal Proceedings Against Citizens of Maryland for Violation of the Laws Relative to Fugitives from Labour.

Gentlemen:

I HAVE THE HONOR HEREWITH TO TRANSmit copies of a communication and accompanying documents, received from J. Meredith, Esq., commissioner appointed by the Governor of the State of Maryland, under a resolution of the Legislature of that State, with power to proceed to Harrisburg and endeavor to pro-

cure the dismissal of certain prosecutions pending in the Court of Oyer and Terminer of York county, against Nathan S. Bemis and other citizens of Maryland, for an alleged violation of the laws of this State relative to fugitives from labour; or to make such arrangements as may be found necessary to refer the constitutional question said to be involved in these prosecutions to the decision of the Supreme Court of the United States.

These proceedings of our sister state, marked by deep interest in the subject to which they relate, present a grave question for the consideration of the Legislature of Pennsylvania, which will, I am satisfied, be discussed and decided in that spirit of friendly feeling, and that regard to justice which has hitherto distinguished the intercourse between the states.

I would respectfully ask the immediate attention of the Legislature to this subject, as the commissioner of the State of Maryland is now in attendance at the Seat of Government.

DAVID R. PORTER.

Harrisburg, February 16, 1839.

Proclamation revoking and annulling the Commissions of Jacob Hibshman, John Huey and Shem Zook Appraisers of Damages.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, in and by an act of the General Assembly of the Commonwealth passed the sixth day of April, A. D. 1830, entitled an act relative to the appointment of Canal Commissioners, it is made the duty of the Governor to appoint "Three individuals as a Board of Appraisers to whom all appeals shall be made by persons who may be dissatisfied with the amount of damages offered by the Board of Canal Commissioners," And whereas, in accordance with the provisions of the said recited act on the third day of February, A. D. 1836, Jacob Hibshman, of the county of Lancaster; on the 28th day of June, A. D. 1837, John Huey, of the county of Indiana; and on the 19th day of September Shem Zook, of the county of Mifflin, were severally appointed by the Governor of Pennsylvania, "Appraisers of Damages" to do and perform the duties enjoined on them by the Act before recited. Now know ye that in virtue of the power and authority in me vested by the Constitution and Laws of this Commonwealth, and for good and sufficient causes, I, David R. Porter, Governor of the Commonwealth aforesaid, do by these presents revoke and annul the appointments and Commissions of the said Jacob Hibshman,

John Huey, Shem Zook and all the rights, powers and authorities vested in them as Appraisers of Damages aforesaid by the said recited Act of the General Assembly and all and every other act or acts having relation thereto, are from the day of the date hereof revoked and annulled, of which all concerned will take notice and govern themselves accordingly.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-first day of February, A. D. 1839, and of the Commonwealth the sixty-third.

By the Governor.

Frs. R. Shunk,

Secretary of the Commonwealth.

To the Senate Nominating Samuel Hepburn to be President Judge of the Ninth Judicial District.

I NOMINATE TO THE SENATE, SAMUEL HEPburn, of Cumberland county, to be President Judge of the ninth judicial district, composed of the counties of Cumberland, Perry and Juniata, from and after the 27th February, 1839.

DAVID R. PORTER.

Executive Chamber, Harrisburg, Feb. 23, 1839.

To the Assembly with Communications Concerning Jurisdiction over the Land of the United States Arsenals on the Schuylkill and at Frankford.

Gentlemen:

I HEREWITH TRANSMIT COPIES OF A COMMUnication and accompanying documents received from the Secretary of War, in relation to vesting in the United States jurisdiction over, and exempting

from taxation, the lots upon which the United States Arsenals are erected, on the Schuylkill and at Frankford, in the county of Philadelphia, to which I respectfully invite the immediate attention of the Legislature.

DAVID R. PORTER.

Executive Chamber, Harrisburg, Feb. 28, 1839.

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*Proclamation of Reward for the Apprehension of the Perpetrators of an Atrocious Murder upon an Unknown Man in the Vicinity of Lancaster.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

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*DOCUMENTS CONNECTED WITH THE PROCLAMATION.

Mayor's Office.
Lancaster, February 21, 1839.

Governor D. R. Porter:

Dear Sir: At the request of the Council of the City of Lancaster, I make you acquainted with the circumstances of the discovery, in the vicinity of Lancaster, of the body of a man, who from the wounds and bruises, was evidently murdered. It is presumed your Excellency will direct a reward to be offered for the detection of the murderer.

The bearer, our friend Mr. Goldsmith, will furnish you with a detail of the circumstances.

Respectfully your
Obd't friend,

JOHN MATHIOT.

PROCLAMATION.

Whereas, the body of a stranger has been found in the vicinity of Lancaster, so lacerated and wounded as to show that he had been murdered by some person or persons unknown, in the most cruel and barbarous manner: And Whereas, The peace and security of the citizens and the obligations of justice and humanity require that the perpetrator of an offence so heinous should be brought to speedy and condign punishment. I do therefore, by

A PROCLAMATION.

Whereas, I have received authentic information that the body of a person unknown has been recently found in the vicinity of Lancaster, in this Commonwealth, so lacerated and wounded as to manifestly show that he had been murdered in the most cruel and barbarous manner by some person or persons unknown, who have fled from justice, and all efforts to arrest the said person or persons have hitherto proved ineffectual. And Whereas, the reputation of the Government, the peace and security of its citizens and the obligations of justice and humanity require that the perpetrator or perpetrators of an offence so heinous should be brought to speedy and condign punishment. I have therefore thought proper to issue this proclam-

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virtue and in pursuance of a resolution of the Councils of the city of Lancaster, offer a reward of 300 dollars to any person or persons who shall apprehend the said offender or offenders, to be paid on the conviction of the perpetrator or perpetrators of the crime aforesaid; And the constables and other officers of the city of Lancaster are required and enjoined to be attentive and vigilant in enquiring after and bringing to justice, the perpetrator or perpetrators of the crime aforesaid.

Given under my hand, at the city of Lancaster, the 28th day of February, A. D. 1839.

JOHN MATHIOT, Mayor.

DESCRIPTION.

He was about 5 feet 7 inches high; dark sandy hair, curled; square features; thought to bear a German physiognomy; of a heavy muscular make; light grey eyes, as far as could be observed; a ring found on his finger with the initials G. H. He had on a pair of striped cassimer pantaloons; a black silk velvet vest; a good blue frock coat; a black silk handkerchief round his neck, and a pair of good Monroe shoes. He had in his side pocket a padlock, a few keys, a pair of scissors, a copper pencil, and a few papers with German memoranda and receipts. A string of church beads were found on his person. He is supposed to have been a peddler of jewelry, knives, spoons, etc., and that he was robbed of such articles.

February 28, 1839.

NOTE IN HAND OF GOVERNOR PORTER.

Let Proclamation be made and a reward offered of such amount as has been usual or customary for crimes of such nature.

DAVID R. PORTER

Sec'y Commonwealth.

ation hereby offering a reward of Two hundred dollars to any person or persons who shall apprehend the said fugitive or fugitives within the limits of this Commonwealth and secure him or them in the jail of any County therein; and the sum of Two hundred and fifty dollars of the said offender or offenders shall be apprehended and secured without the limits of this State; which sum shall be paid on conviction of the perpetrator or perpetrators of the crime aforesaid: And all Judges, Justices, Sheriffs, Coroners, Constables, and other officers within this Commonwealth are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alleged perpetrator or perpetrators of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg this second day of March, in the year of our Lord One thousand eight hundred and thirty-nine, and of the Commonwealth the Sixty-third.

By the Governor.

Frs. R. Shunk,
Secretary of the Commonwealth.

To the Senate Nominating William McKay to be an Associate Judge of the Court of Common Pleas for Mifflin County.

I NOMINATE WILLIAM M'CAY, OF MIFFLIN county, as one of the Associate judges of the court of common pleas of Mifflin county, in the room of David Reynolds, deceased.

DAVID R. PORTER.

Executive Chamber, March 6, 1839.

To the Assembly Vetoing a Resolution Relative to the Gettysburg Railroad.

Gentlemen:

IT WILL ALWAYS BE WITH RELUCTANCE that I shall feel myself constrained to refuse the Executive assent to any matter of legislation which has passed the representative and senatorial branches of the legislature. I would not, however, be in the line of duty, to approve of a measure in the justice or expediency of which I cannot concur. After mature reflection and deliberation, I have decided that I cannot approve the resolution, entitled "Resolution relative to the Gettysburg rail road," presented to me, on the 27th ultimo, and I accordingly return it to the Senate, in which it originated, with the following reasons for so doing.

The Constitution provides, that "no money shall be drawn from the treasury, but in consequence of appropriations made by law." To preserve this salutary provision in its spirit, we should never permit that to be done indirectly which it prohibits from doing directly. Hence, we have seen the constant care and attention of the legislature to prevent the Canal Commissioners from incurring debts beyond the appropriations from time to time made. This would be altogether nugatory, if, when a distinct and specific amount is appropriated, the Canal Commissioners, by continuing the contractors at work after the appropriation to the object is exhausted, could involve the State in further responsibilities without the sanction of a legislative enactment.

By the act of the 18th February, 1836, incorporating the Bank of the United States, the ninth section of which authorises the Canal Commissioners, to survey and locate the road in question, and to put not less than twenty nor more than thirty miles thereof under

contract, the sum of two hundred thousand dollars is specifically appropriated to this work; and the twelfth section expressly provides, that "the Canal Commissioners shall not be authorized to incur any debt, on the faith of the Commonwealth, in any way or manner beyond the appropriation aforesaid," &c. Here, the original act by which this road was introduced into the public improvements of the State, without previous survey or examination, and with nothing to recommend it to the public favor but the influence which its friends could bring in support of an act of legislation, since repeatedly and constantly disapproved by the people, prohibits the expenditure of money upon it beyond the specific appropriation.

On the 19th December, 1837, an act passed both branches of the legislature, appropriating forty-five thousand dollars towards the construction of the Gettysburg rail road, to be applied in payment of work actually done prior to the first day of January (then) next, and directing the Canal Commissioners to give notice to the contractors to suspend their work upon said road, from and after the said first day of January. By a course wholly unexpected, and which, for the character and reputation of the Commonwealth, it is hoped will never be considered a fit example for imitation, this first day of January, 1838, was made in point of law to mean the first day of January, 1839, and thus the intention of the legislature, solemnly expressed by both branches, was for a time prostrated.

By the act of 14th April, 1838, the further sum of one hundred and ninety-five thousand dollars was appropriated to this rail road, to be applied to the work already under contract, and the resolution which had previously passed the legislature as before stated, and which became a law on the 9th of January, 1838, was repealed. But by the 6th section of this act, it is provided, "that the canal commissioners shall not be au-

thorized to incur any debt on (the faith of) the Commonwealth in way or manner beyond the appropriation aforesaid, and no part of the aforesaid appropriation shall be applied to any other than the several specific purposes to which it is appropriated by the preceding sections of this act; nor shall any contracts be entered into for any new lines of canal or rail road, not mentioned in this act, or for any extension of the lines herein named, beyond the limits prescribed by this act." It was, therefore, the duty of the Canal Commissioners to have stopped the work on the road the moment the specific appropriation thereto was exhausted. But it appears this was not done, and the subject was brought to the attention of the legislature, in the previous part of the present session. By a resolution passed by both houses, and approved upon the 19th day of February last past, it was declared, that from and after the first day of March, 1839, the work on the Gettysburg rail road should be suspended, and a temporary loan of one hundred and fifty thousand dollars was authorized for the purpose of paying the contractors on said road for work done, or that might be done previous to that day, including the retained per centage; the accounts of the contractors to be settled by the Auditor General and State Treasurer, in the usual manner, according to law. In ten days after approving this resolution, I am called upon to approve another resolution, providing that the contractors on this road shall be permitted to continue their work, until the first day of May next, unless they should sooner be paid the amount due them. What circumstances have transpired to change the determination expressed in the resolution of the nineteenth of February, I have not been informed, and being left to gather the reasons for adopting the resolution, now returned to your body, from its language, I infer that they consist in the fact of the funds not being forth-

coming, on the first of March, to pay the contractors the amount claimed to be due them, and, therefore, the state is to incur a further debt in pursuing this work already suspended.

Whilst the Commonwealth is bound to meet all her lawful engagements, persons entering into contracts with her through her agents, are bound to ascertain and know the extent of the authority given by law to such agents. In the present instance, the contractors were bound to know the amount of the appropriations made, and that it was unlawful for the Canal Commissioners to expend any further sums, or to involve the state beyond such amounts. If they continued the work afterwards, it was at their own risk, and to permit them now to go on, in the embarrassed state of the public treasury, and increase the expenditure on a work which a committee of your body, after a personal examination, declared to have been begun in folly, and the prosecution of which would be madness, would not, in my judgment, be promoting the interests of the Commonwealth, but would be a useless waste of the public money, and a legislative recognition and sanction of acts done in positive violation of existing laws.

Again expressing the sincere regret I feel in being constrained by a conscientious sense of duty, to disagree with the representatives of the people in this matter, I return the resolution to the Senate for their further action thereon, according to the constitution of the Commonwealth.

DAVID R. PORTER.

Executive Chamber, March 6, 1839.

To the Assembly Concerning a Loan for the Use of the Commonwealth.

Gentlemen:

IN PURSUANCE OF THE ACT OF THE GENeral Assembly of this Commonwealth, passed the 26th January last, entitled "An act authorizing a loan;" public notice was given by the Secretary of the Commonwealth on the fourth day of February last, that proposals would be received at his office, until two o'clock, P. M. of Tuesday, the fifth day of March, 1839, for loaning one million two hundred thousand dollars to the Commonwealth for the purposes set forth in said act, reimbursable at any time after twenty years from the first day of July next, and bearing an interest not exceeding five per cent. per annum payable semi annually. A copy of which notice is herewith communicated.

I regret to say that no proposals have been received in pursuance of this invitation, and this, too, at a time when it is conceded that money is not scarce and the credit of the state is unimpaired.

How long the representatives of a free people will submit to a state of things manifestly brought about by a combination among the institutions of their own creation, it is for the Legislature to determine; but there is certainly a manifest impropriety in permitting the monied resources of the Commonwealth to be used to her own injury. She owns of the capital stock of the Bank of Pennsylvania, 3,750 shares at $400, amounting at their par value to, ... $1,500,000
5,233 shares in the Philadelphia Bank, at $100, ... 523,300
1,708 shares in the Farmers' & Mechanics' Bank, $50, ... 85,400

Amounting in the whole to, ... $2,108,700

And which are believed to be worth a considerable advance.—Every day's experience strengthens me in the opinion long since formed, that all connection should be dissolved between the Commonwealth and the banks in which she holds stock, and thus relieve her from the humiliating attitude she occupies, of being the holder of three-fifths of the whole capital stock in one of said banks, and unable to control the direction of a single dollar of its loans. Believing firmly that such a divorce will be beneficial to the interests of the Commonwealth, I earnestly recommend the immediate passage of law, authorizing the sale of the bank stock held by the Commonwealth as aforesaid.

This administration has been but little over a month in power, and has been obliged to ask loans to pay off engagements which it had no hand in contracting, and finds itself embarrassed in its outset for want of means to meet the engagements of the Commonwealth. So far as it has the ability, its exertions will continue to be steadily directed to discharge the public liabilities and maintain unsullied the public faith. If in its efforts so to do, difficulties are interposed by attempts at combination among monied men and monied institutions, they most assuredly will discover that, so long as the Executive power remains in the hands in which it is now placed, they never shall control either its political or fiscal operations; but that this great Commonwealth must and will rise superior to all such attempts.

All experience goes to show that the evils anticipated by many of the best and most sagacious statesmen, from the grants of corporate powers to monied institutions have been more than realized, and should admonish to be cautious in continuing to make such unrestricted grants.

With no desire to create distrust or alarm, I cannot

but feel that it is the misuse and abuse of the powers thus committed to such institutions, that have more than once led to the embarrassments in the monetary concerns of the country. I cannot close this communication without appealing to the Legislature, and calling upon them by every principle of patriotism to take such action in this matter as will enable the state to vindicate her character and credit, and to take immediate measures for separating the state from all connection with a set of institutions that have so repeatedly disappointed the just expectations of the public, and on which no reliance can be placed when the exigencies of the state may require a call upon them.

DAVID R. PORTER.

Executive Chamber, March 7th, 1839.

DOCUMENT.

Office of the Secretary of the Commonwealth,
Harrisburg, Feb. 4, 1839.

Pennsylvania Canal and Rail Road Loan.

Notice is hereby given that pursuant to the provisions of an act of the General Assembly of the Commonwealth, passed the 26th day of January, A. D. 1839, entitled "An act authorizing a loan," proposals will be received at the office of the Secretary of the Commonwealth until two o'clock P. M. of Tuesday, the fifth of March, 1839, for loaning to the Commonwealth for the purposes set forth in said act, the sum of one million two hundred thousand dollars. The principal to be reimbursable by the state at any time after the expiration of twenty years from the first day of July next. Certificates of stock signed by the Auditor General and countersigned by the State Treasury, bearing an interest not exceeding five per cent. per annum payable semi-annually, transferrable on the books of the Auditor General or at the Bank of Pennsylvania, by the owner or owners of the same, his or her, or their attorney, will be issued by the direction of the Governor, and new certificates of the same may be issued by the Auditor General and State Treasurer, or by the President and Cashier of the said bank to the new holder or hold-

ers. The interest to be paid semi-annually, either at the Treasury Office, or at the Bank of Pennsylvania, or elsewhere, according as may be agreed upon between the Governor and the original purchaser of the stock.

The proposals will be required to state explicitly the amount offered, the rate of interest, not exceeding five per cent., and the premium proposed to be given on every hundred dollars of stock bearing interest according to the rate agreed upon. The state reserves the right to accept the whole or any part of the sum offered, unless the proposals stipulate to the contrary. Bids for the loan must be direct and explicit; no conditional or hypothetical proposals will be considered or received. Upon the acceptance of the proposals, the money it so be paid into the State Treasury, or into some convenient chartered bank of the state, to be designated by the Governor, in such proportions, and at such times as he shall direct; upon the delivery of receipts therefor from the Treasurer or Cashier, as the case may be, certificates of stock will be issued in such amounts as may be requested by the lenders. The proposals to be directed under seal to this office, endorsed "proposal for loan." They will not be opened or disclosed until the period has elapsed for receiving them, after which no alterations in the terms will be admitted.

FRS. R. SHUNK,
Secretary of the Commonwealth.

To the Senate Nominating Nathaniel B. Eldred to be President Judge of the Sixth Judicial District.

Gentlemen:

I NOMINATE NATHANIEL B. ELDRED, OF Warren, as President Judge of the sixth judicial district, composed of the counties of Erie, Crawford and Venango, in the room of Henry Shippen, deceased.

DAVID R. PORTER.

Executive Chamber, March 9, 1839.

To the Senate Nominating Henry H. Van Amringe to be Recorder of the Mayor's Court of Pittsburg.

Gentlemen:

I NOMINATE HENRY H. VAN AMRINGE, of Allegheny county, to be Recorder of the Mayor's court in and for the city of Pittsburg, in the room of Ephraim Pentland, deceased.

DAVID R. PORTER.

Executive Chamber, March 11, 1839.

To the Senate Nominating Almon H. Read to be President Judge of the Eighteenth Judicial District.

Harrisburg, March 13, 1839.

Gentlemen:

I NOMINATE ALMON H. READ, OF THE COUNty of Susquehanna, to be President Judge of the eighteenth judicial district, composed of the counties of Warren, Potter, M'Kean and Jefferson, in the room of Nathaniel B. Eldred, appointed President Judge of the sixth judicial district.

DAVID R. PORTER.

To the Senate Nominating John N. Connyngham to be President Judge of the Thirteenth Judicial District.

Gentlemen:

I NOMINATE JOHN N. CONNYNGHAM, OF LUzerne county, to be President Judge of the thirteenth judicial district, composed of the counties of Susquehanna, Bradford and Tioga, from and after the 27th day of February, 1839.

DAVID R. PORTER.

Executive Chamber, Harrisburg, March 19, 1839.

To the Senate Nominating James Thompson to be President Judge of the District Court for Erie, Crawford and Venango Counties.

Harrisburg, March 23, 1839.

Gentlemen:

I NOMINATE JAMES THOMPSON, OF VENANGO county, to be president judge of the district court in the counties of Erie, Crawford and Venango.

DAVID R. PORTER.

To the Senate Nominating Thomas S. Bell to be President Judge of the Fifteenth Judicial District.

Harrisburg, May 9, 1839.

Gentlemen:

I NOMINATE THOMAS S. BELL, ESQ., OF CHESter county, to be president judge of the fifteenth judicial district, composed of the counties of Chester and Delaware.

DAVID R. PORTER.

To the Assembly Vetoing the Bill Entitled "An Act Making Appropriations to Certain Turnpikes, State Roads, &c., within this Commonwealth, and for other Purposes."

Gentlemen:

THE BILL ENTITLED "AN ACT MAKING APpropriations to certain turnpikes, state roads, &c., within this Commonwealth, and for other purposes," has been presented to me for executive approbation; but as I cannot give that approbation to

this bill consistently with my own sense of duty, I return it to the House of Representatives in which it originated, with my objections.

It makes large appropriations to the payment of the debts of several incorporated companies, to the building of bridges, the improvement of streams, the repair of various turnpike roads, and the building a hall in the city of Lancaster, many or all of which objects might be perfectly proper and right had the Commonwealth a superabundance of funds. But, at a time when we are laboring under an existing state debt of upwards of thirty millions of dollars, it does not appear to me that it would be either prudent or proper to borrow money, or tax the people to raise funds to give away with so profuse a hand on improvements, many of which are secondary, at least in character and general importance. If it were even adviseable to increase the state debt for this purpose, under any circumstances, the present is not a propitious time, as there is difficulty in procuring money for existing responsibilities, on favorable terms, and that difficulty would no doubt be increased by increasing the amount required.

This bill makes the following appropriations to the objects named, to wit: to the

Hanover and Carlisle turnpike road company	$2,000
Roseburg and Mercer turnpike road company,	2,000
Bloody Run and Hollidaysburg turnpike road company,	5,000
Doylestown and Willow Grove turnpike road company,	7,500
Butler and Emlenton turnpike road company,	2,000
Bald Eagle, Brush and Penns Valley turnpike road company,	1,500
Butler and Freeport turnpike road company,	1,500
Downingtown, Ephrata and Harrisburg turnpike road company,	10,000

Brownington, Harrisville and Franklin turnpike road company,	2,000
Waynesburg, Greencastle and Mercersburg turnpike road company,	3,000
Lewistown and Huntingdon turnpike road company,	2,000
Hollidaysburg and Punxsutawney state road,	2,000
Indiana and Ebensburg turnpike road company,	1,000
Franklin and Warren turnpike road company,	1,500
Sugar Grove and Warren turnpike road company,	1,000
Lancaster and Lititz turnpike road company,	3,000
Mechanics' society of Lancaster, for the purpose of building a mechanics' hall,	3,000
Somerset and Conemaugh turnpike road company,	5,500
Millerstown and Lewistown turnpike road company,	2,000
The Turnpike road company from Potter's Old Fort to Waterstreet,	1,500
Johnstown and Ligonier turnpike road company,	4,000
Centreville and Donegal turnpike road company,	2,000
Mount Pleasant and Pittsburg turnpike road company,	2,000
Dillsburg and York turnpike road company,	5,000
Monongahela bridge at Williamsport,	3,000
Allegheny bridge at Franklin,	10,000
Constructing a bridge over the Swatara at Zimmerman's Ford, Lebanon county,	1,500
Somerset and Baldhill turnpike road,	3,000
Peter's mountain turnpike road company,	1,000
Kiskiminetas bridge company at Saltsburg,	2,000
Stony Creek bridge company at Johnstown,	1,500
Lenox and Harmony turnpike road company,	5,000

Armstrong and Curwensville turnpike road company,	1,500
Waterstreet and Clearfield turnpike road company,	1,500
Bethany and Canaan turnpike road company,	1,500
Lackawaxen turnpike road company,	1,500
Birmingham and Elizabeth turnpike road company,	3,000
Elizabeth turnpike road company,	3,000
Meadville and Titusville turnpike road company,	1,000
Bustleton and Smithfield turnpike road company,	3,000
Pittsburg and Steubenville turnpike road company,	3,000
Pittsburg and Kittanning state road,	1,000
New Buck road from Newton to Smithfield,	2,000
Grading Flint Hill,	500
Butler and Beaver state road,	2,000
Pittsburg and Brownington state road,	2,000
New Castle and Butler state road,	2,000
Road leading from the upper meeting house in Path valley, Franklin county, to Shade Gap, Huntingdon county,	1,200
State road leading from Concord, Franklin county, to James Campbell's, Perry county,	800
Morgantown and Wheeling state road,	3,000
Emlenton and New Castle state road,	1,000
Butler and Graham's Ferry state road,	1,000
Waynesburg and Blackville state road,	1,500
State road leading from the White Horse tavern on the Allegheny mountain to the Virginia state line,	2,500
Ruff's Creek state road,	1,000
Bellefonte and Caldwell's mill road,	1,000
Curwensville and Indiana state road,	2,000
Warren and Smethport state road,	2,000

Warren and West Creek state road, ...	500
The erection of a bridge over the Lehigh at Salisbury church, ...	1,000
Bridge over Little Lehigh at Edelman's mill,.	1,000
The state road from Allentown to Pottstown,	1,000
The state road between Harrisburg and Sunbury, ...	1,000
The state road from Easton to Milford, ...	3,000
To improve the navigation of Big Bushkill creek, ...	4,000
The state road from Newport to New Germantown, ...	2,000
The state road from White Horse to the Virginia state line, ...	2,000
The erection of a bridge over Castleman's river, at Lechly's ford, ...	2,000
The state road from Seely's creek to intersect the Coudersport and Olean road, ...	5,000
The state road from Mercer to the Ohio state line, ...	3,000
The state road from Mifflinburg to Liverpool, &c., ...	1,500
The Butler and Franklin graded road, ...	2,000
The Brookville and Tionesta state road, ...	2,000
The erection of a bridge on the state road from Orwigsburg to Reagan's iron works, .	2,000
To the bridges on the Pittsburg and Morgantown state road, ...	5,000
The state road from Middletown to Pittsburg,	3,000
The erection of a bridge over the Raystown Branch, in the borough of Bedford, ...	3,000
The State road from Dunning to Pittsburg...	2,000
The state road from Kiskiminetas to Connellsville, ...	2,000
To make a road round Blue Hill, ...	3,000
The state road from Irish Ripples to Sharon,	1,200
The state road from Bridgewater to Ohio state line, ...	1,000

The erection of a bridge over Cooper's Rock creek, near Peach Bottom,	500
Repairing bridge over same on the Castle Fin Forge road,	200
The erection of bridges over the same stream on the State Quarry road,	1,500
The state road from Darlington to the Ohio state line,	500
The state road from Georgetown to Darlington,	500
The state road from Beaver to Little Beaver bridge,	1,000
The state road from New Brighton to Samuel Smiley's,	800
The road from Beaver to the Ohio state line,	1,000
The stock of the bridge company at Centreville,	2,000
The erection of a bridge over Blacklick creek,	1,000
The Ebensburg and Stoyestown state road,	2,000
The state road from Shippensburg to Drake's ferry,	2,000
The state road from Mercer to New Castle,	2,000
The state road from Petersburg, in Somerset county, to the Clay pike, east of Connellsville,	1,500
The road from Kiskiminetas salt works to the Virginia state line,	1,000
The road leading from Robbstown to the Virginia state line,	2,000
The state road leading from the White Horse tavern to the Virginia state line,	2,000
Road from Waterford to Wattsburg,	500
The state road from Waynesburg to the National road at widow Griffins,	1,000
The state road from Stevens' tavern to the Clay pike, east of Connellsville,	500
The road from Elizabethtown to Uniontown,	2,500

The Titusville and Union Mills turnpike road company,	1,000
Bridge across the West Branch on the Milesburg and Smethport turnpike,	6,000
The bridge across the West Branch on the Tyrone state roads,	2,000
The state road from Curwensville to East Liberty,	2,000
The State road from Tamaqua to Mauch Chunk,	1,500
The state road from William R. M'Laurey's to the Sterling and Newfoundland turnpike,	2,000
The Erie and Warren State road,	1,000
The state road from Montrose to Wellsboro',	1,000
The roads leading from Nazareth to the Easton and Wilkes-barre turnpike road,	1,000
The grading of part of the state road from the city of Philadelphia to the Maryland state line,	1,200
The grading of the state road from West Philadelphia to the borough of West Chester,	2,000
The road from Landisburg to Carlisle,	2,000
Clearing out the Moshannon creek,	2,000
The state road from Mount Pleasant to Joseph Smith's mill, on the Youghiogheny river,	1,000
The state road from Milford to the mouth of the Shehold creek,	1,500
Erecting bridges over Chester and Ridley creeks on the state road leading from Chadsford to Philadelphia,	1,500
The erection of a bridge over Slippery Rock creek, near Akin's mill,	2,000
The state road from Allentown to West Chester,	600
The state road from Astinville to Elmira,	1,000
The state road from Gettysburg to Newville,	1,20

The Lake Pleasant road, ...	1,000
The erection of a bridge across the river Schuylkill, called the Flying Hill bridge,..	6,500
The repairing of the state road from the town of Catawissa to the Centre turnpike, ...	1,000
The erection of a bridge over Muddy creek, near the forge of the late Thomas Coleman,	800

In the message which I submitted to the legislature on the 26th day of January last, I took occasion to communicate at some length my views relative to the system of internal improvements in which this Commonwealth is so deeply embarked.

I will in again state in a few words the general principles that in my judgment ought to regulate the action of our government in carrying that system into effect, so far as the same have a direct bearing on the subject under consideration.

The primary object avowed by all departments of the government in the commencement of our system of internal improvement, was to secure to our commercial emporium a due portion of the increasing western trade or commerce, and to develop the immense mineral resources of this commonwealth distributed throughout the coal and iron fields in such exhaustless abundance, and the agricultural productions of her fertile valleys in her interior northern and western counties. To carry this design into operation, the main lines between Philadelphia and Pittsburg and the Lakes were first undertaken, and the coal and iron fields of the north and north-west penetrated by the Susquehanna canals.

The immediate tributaries of the main lines opening into rich mineral deposits, of course form a part of the system and are necessary to its entire completion. To secure the trade of the western States, and of the northwestern portion of New York, was

also an essential object of the founders of our improvement system.

Experience clearly demonstrates the wisdom and sound policy of the undertaking. Had all the energy and means of the commonwealth been devoted to the vigorous prosecution of this system in its original simplicity, the State would now be reaping the full fruits of her expenditures, and the public debt would not have been swelled to its present enormous amount. Influenced, however, by unfortunate causes and counsels, the legislation of the State has recently tended to distract the attention and divide the means of the public by the prosecution of various undertakings, unconnected with the main lines, and in many instances wholly for the benefit of private companies; thus placing the public means under their unlimited control, when the faith of the commonwealth was already pledged to apply its resources to the completion of its own works, and to the payment of its own liabilities. It is manifest at a glance that just so far as the original system has been departed from, so far has the system itself been retarded, and the public money been squandered upon unproductive objects. I do not mean to say these objects may not have been of great value to particular sections and particular individuals, but the public at large, had not the same interest in them, nor could their commencement, or even completion, materially contribute to the prosecution of the main design. I rank them accordingly among that class of secondary improvements which should not be undertaken by the commonwealth, while others of much greater importance remain unfinished and unprofitable.

It has only been within the few last years, that this infraction of the internal improvement system has been carried to the greatest extent. The drains upon the treasury of this commonwealth, through a thou-

sand unseen channels, have frittered down her resources, crippled her energies, and involved her in the most inextricable difficulties. To a person not intimately acquainted with the facts, it would be a question not easy to solve, from an examination of the recent appropriation bills, whether the main lines of our improvements were prosecuted on account of their own intrinsic importance, or merely as pretexts for lavishing upon numberless other subordinate objects, millions of dollars of the money of the people. In some instances, as in that of the bill under consideration, the appropriations to secondary objects have been made first, while the appropriations to the main lines have thus far failed entirely. It will be but one step further in the departure from the original system, to drop the main lines altogether and henceforth disperse the treasure of the commonwealth among incorporated companies, local prejudices, local interest, and expert bargaining to secure, in the general scramble, the largest share of the public money.

It is far from my intention to attribute to any of these motives, or to the influence of any of these causes, the formation of the present bill. I am speaking of the direct tendency of this course of legislation —to what consequences it must inevitably lead; not to what result it has already reached in its progressive influence on the legislation of the commonwealth.

Unless a radical change of my opinion should take place, I can never yield my sanction to the predominancy of this innovation on our internal improvement system. I conceive it to be at open variance with judicious economy, sound policy and enlightened legislation. Thus viewing it, I should be recreant to my duty, were I to sanction this bill. No man can be more reluctant than I am to exert the veto power. I shall never do it on light or trivial occasions; still less shall I claim to set up my opinion in opposition

to that of the two Houses of Assembly; but when the completion of the main lines of improvements and the interest of the people are all involved in a measure, I cannot hesitate in the adoption of my course.

It is highly desirable, no doubt, to those concerned, that the debts of all turnpike companies, and in fact of all other companies in the commonwealth should be paid. But the question is at this time, shall we borrow money to pay them? when it requires the joint exertion of every branch of the government to sustain its credit, which has been already stretched to its utmost limit to satisfy existing liabilities, and to defray the expenses incident to the management of the public affairs. I cannot believe the people of Pennsylvania are prepared to answer this question in the affirmative. If I have misconceived my duty, or misunderstood the public sentiment, it is a gratifying consideration that an ample remedy is provided by the constitution. Claiming only the merit of rectitude of intention, I cheerfully commit this bill to the action of the legislature, and to the final judgment of the people—satisfied that on this, as on all other subjects, they are the best judges of their own interests, and of the fidelity of their public servants.

Although not necessarily connected with the main subject of this communication, it seems to me not to be improper to call the attention of the legislature again to the means of increasing the credit of the state and of rendering it at all times more certainly available. During the existence of our present currency, mainly composed as it is of paper, fluctuations in our pecuniary affairs to a greater or less degree, are perhaps unavoidable. Apprehensions of this state of things frequently operate to deter capitalists from advancing money to the State when required for public purposes. It is believed that this evil would be principally removed, if provision were made by law for

paying the loan-holders the interest on the loans, at all times, in gold or silver, or in equivalent funds, at their own discretion. This would be right and just, because the money loaned to the Commonwealth was of the same kind, and the interest on it should be paid in a medium as valuable to the creditors, as the original advancement. I respectfully suggest to the legislature the propriety of enquiring into the subject and of adopting such measures as are compatible with sound policy and enlightened justice. No occasion should be spared, either on the part of the Executive or of the legislature, to impart to the credit and standing of this great Commonwealth, all the strength and stability to which they are entitled by her native resources, and the industry, enterprize and integrity of her citizens.

DAVID R. PORTER.

Executive Chamber, May 9, 1839.

To the Senate Nominating Alexander McCalmont to be President Judge of the Eighteenth Judicial District.

Gentlemen:

I NOMINATE ALEXANDER M'CALMONT, OF Venango county, to be President Judge of the eighteenth judicial district, composed of the counties of M'Kean, Potter, Warren and Jefferson.

DAVID R. PORTER.

Executive Chamber, May 29, 1839.

To the Senate Concerning the Gettysburg Railroad.

IN REPLY TO YOUR RESOLUTION OF THE 6TH instant, I have to inform the Senate, that in compliance with the "resolution to suspend the work on the Gettysburg rail road," prompt measures were taken to ascertain "the whole amount of claims on the line, on estimates, or for retained per centage; also for salaries of officers and agents, for labor or for any other purpose;" and that during the present week the reports of the officers charged with that duty have been received.

These are all the material facts, touching the subject of your inquiry, which it is within the power of the Executive to communicate to the Senate. They fully answer the call made on me by the resolution, unless, in requiring me to state "why the delay in procuring the money and paying the contractors has taken place," the Senate intended to require me to communicate the reason or motives by which I have been governed in relation to this business. If such was the design of the Senate, I must decline to comply with its requisition. Being an independent and co-ordinate branch of the government, I do not recognize its right to make such demand, and also because the time and manner of advertising for and procuring loans are duties belonging exclusively to the Executive, in which the two Houses of the Legislature have neither responsibility nor share. Claiming to understand and respect the rights of the Senate, I shall studiously avoid any infringement upon them; and claiming also to understand the rights and duties of the Executive, under the Constitution, I shall take especial care that they shall not be invaded, and will maintain them to the utmost of my abilities. Independence and harmony of action only can be preserved by strictly

observing the rights of all departments of the government. This course I shall pursue at all times, without deviation.

The resolution for suspending the said work authorizes the Governor to negotiate a temporary loan for the sum of one hundred and fifty thousand dollars, to be repaid within six months, for the purpose of paying the contractors and others. This loan, if negotiated before the month of July, will fall due before the next meeting of the legislature, and up to the present time no provision has been made for its redemption. I have waited with much solicitude for some legislative action on the subject of providing for the repayment of this money at the end of six month from the time the loan may be negotiated; for it certainly could not be the intention of any one that the Executive should be required to promise to pay that amount of money, and to pledge the faith of the commonwealth therefor, when he knew that no legislative provision was made for its repayment. Whenever this provision shall be made the matter shall be taken into consideration.

DAVID R. PORTER.

Executive Chamber, June 8, 1839.

To the Assembly Concerning Internal Improvements.

Gentlemen:

THE DEEP STAKE WHICH THE COMMONwealth has in the speedy completion and constant usefulness of our internal improvements, renders it my duty to invoke the legislature, now approaching the close of its session, to make some adequate provision by law to secure these objects.

In the message that I communicated to you on the 26th day of January, I explained at some length, the

general views I entertained in respect to the importance of finishing the main lines of improvements, and those tributaries leading directly into them. Those views remain not only unchanged, but have been strengthened by reflection and experience. I am satisfied that enlightened policy and sound economy, call alike for early and efficient appropriations to complete these works.

But the chief object of this communication, is to urge upon your attention the pressing necessity of immediately providing a sufficient fund for repairs. The money in the treasury applicable to the payment of repairs, is not only entirely exhausted, but demands exceeding the amount of two thousand dollars have been made at the treasury, which there are no funds appropriated by law to meet. It must therefore be manifest, that without a speedy appropriation, the continuance of operations on our public improvements, is extremely precarious. The tolls derived from our canals and rail roads are all pledged to pay the interest on the public debt, incurred in their construction. Not one dollar of the income arising from them can be applied to repairs; and unless funds be provided by the legislature, the use of the public improvements, throughout the remainder of this year, must depend upon chance, or a violation of the law. Should bridges, aqueducts or dams get out of order, or be carried away, the treasury is without means to repair them. The constitution prudently and wisely forbids that "money shall be drawn from the treasury, but in consequence of appropriations made by law," and I know of no mode of obtaining the requisite means, unless it be by re-asesmbling the legislature, or by trampling this stern injunction of the constitution under foot. To both of these expedients there are strong objections, and I trust the legislature would feel as repugnant to the adoption of either, as I do myself.

I will not undertake to fix upon the amount needed for repairs prior to the meeting of the next Legislature, on the first Tuesday of January, 1840. The current dilapidations of time, accident and use, are to be provided for, as well as preparations to be made for numerous repairs during the coming spring. Much is lost both in time and expense, by postponing the day of preparation until it is too late. From the reports of the Canal Commissioners, their engineers, your committees, and other sources, you can readily determine this question, and accommodate your appropriation to the public wants, and the public expectation.

I have already observed, that the tolls on our public improvements are all pledged to the payment of the interest on our public debt. It should not be forgotten, that by failing to keep these improvements in a state of efficient repair, this interest fund is jeopardized, the credit of the state may be seriously affected, and the future value of our improvements themselves be deeply impaired. For if, through the inadequacy of means to repair our public works, they should cease to be capable of doing the business of the public, it must inevitably happen that much of the business upon them will pass off into other channels never to be regained. This would be a result which no true Pennsylvanian could contemplate without feelings of the deepest mortification and regret. I am certain it is a result which no patriot will contribute to produce.

If anything could add to the regret it would occasion, it would be the striking fact, that we are in the midst of peace, prosperity and advancing glory, without even a shadow to obscure the bright path before us.

Our system of public improvements is firmly established; hostility has yielded its ground, and there is not a county in the commonwealth that does not, di-

rectly or indirectly, share and acknowledge the benefits it is conferring on all sections—the near and the remote. Under these circumstances, it would be to the people of this commonwealth, to the people of sister states and of foreign nations, a subject of astonishment, that this system, so fraught with advantages, in the "full tide of successful experiment," should be suddenly arrested, the unfinished portions remain unfinished, and the finished parts be abandoned to accident, without means to keep them in repair, at at time when every man in and out of the Legislature admits that such a course is at direct variance with true wisdom and sound policy.

I make these suggestions, with a firm hope, and I will add, a strong belief, too, that they will meet the entire concurrence of the legislature; and that, although in the usual course of events, its session must be of brief duration, it will not fail to make ample provision for these important interests.

I most respectfully, and most earnestly solicit the legislature to bestow on these interests that attention to which their magnitude entitle them; and to pursue in reference to them, the path of duty pointed out by sound wisdom, and a due regard to the wants and expectations of the people.

Nothing but the paramount importance of this subject to the public at large, and particularly to that numerous and enterprising class of our fellow-citizens, who have hundreds of thousands of dollars involved in the successful operations of our public improvements, has induced me to call your attention to it again, before you adjourn.

Being responsible for the performance of the duties devolving on the Executive, I have felt it to be an essential part of that duty to make this communication, and I leave the matter in your hands, to be disposed of as you think proper; resting satisfied that if, from

any cause, the transportation on our public improvements be suspended for the want of adequate appropriations, the responsibility will not be justly chargeable to the Executive.

DAVID R. PORTER.

Executive Chamber, June 10, 1839.

To the Assembly Nominating Trevanion B. Dallas to be Assistant Judge of the District Court of Allegheny County.

Executive Chamber,
Harrisburg, June 14, 1839.

Gentlemen:

I NOMINATE TREVANION B. DALLAS, TO BE assistant judge of the district court of the county of Allegheny.

DAVID R. PORTER.

To the Senate Nominating Charles G. Snowden to be Associate Judge of Armstrong County.

Executive Chamber,
Harrisburg, June 21, 1839.

Gentlemen:

I HEREBY NOMINATE CHARLES G. SNOWDEN to be associate judge of Armstrong county, in the room of Robert Orr, resigned.

DAVID R. PORTER.

Proclamation of the Election of Charles I. Ingersoll as a Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas by the provisions of an Act of the General Assembly entitled An act to provide for the election of Representatives of the People of this State in the Congress of the United States, passed the Ninth day of June, one thousand eight hundred and thirty-two, it is made the duty of the Governor to declare by proclamation the names of the respective persons returned to him as duly elected in each Congressional district;

And whereas the late Secretary of the Commonwealth did on the fifteenth day of January, one thousand eight hundred and thirty-nine, deliver to his successor in office in the department of State, duplicate returns of the election held on Tuesday the ninth day of October, for one Representative in the House of Representatives in the third Congressional district of Pennsylvania, signed by Charles Vansant, Andrew Hogue, and J. H. Flitcroft, return Judges, one of which returns by an indorsement thereon was in the Secretary's office, October 22, 1838, from which it appears that Charles I. Ingersoll was duly elected to represent the said Congressional district composed of

the County of Philadelphia, with the exceptions of the district of Southwark, the townships of Moyamensing, Passyunk, Blockley, Penn, Germantown, Roxborough, Bristol, and Kingsessing, in the Congress of the United States.

Now therefore, I issue this proclamation hereby declaring that Charles I. Ingersoll as aforesaid has been returned as duly elected in the third Congressional district on the ninth day of October, one thousand eight hundred and thirty-eight, as a representative of the people of this State in the Congress of the United States for two years commencing from and after the fourth day of March, one thousand eight hundred and thirty-nine.

Given under my hand and the Great Seal of the State at Harrisburg this twenty-fifth day of November, in the year of our Lord one thousand eight hundred and thirty-nine, and of the Commonwealth the sixty-fourth.

By the Governor,

Frs. R. Shunk.

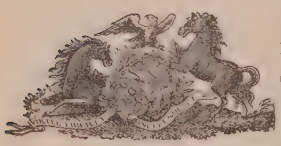
Secretary of the Commonwealth.

Proclamation of the Election of George McCulloch as a Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.
[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, by a return duly made by the Judges of a special election held in the fourteenth Congressional district of this Commonwealth, composed of the counties of Mifflin, Huntingdon, Centre, and Clinton, on Wednesday the twentieth day of November instant, under the authority of an act of the General Assembly, passed the second day July, A. D. Eighteen hundred and thirty-nine, it appears that George McCulloch was duly elected to serve as a representative of this State in the House of Representatives in the Congress of the United States to supply the vacancy occasioned by the death of William W. Potter, Esquire;

And whereas, in and by the forty-second section of the act before recited it is made the duty of the Governor, on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by proclamation the name of the person elected;

Now therefore I have issued this proclamation hereby publishing and declaring that the said George McCulloch is duly elected and chosen in the district before mentioned, as a representative of this State in

the House of Representatives, in the Congress of the United States, during the remainder of the time for which the said William W. Potter, Esquire, was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-ninth day of November, in the year of our Lord one thousand eight hundred and thirty-nine, and of the Commonwealth the sixty-fourth.

By the Governor,

Frs. R. Shunk,

Secretary of the Commonwealth.

Annual Message to the Assembly.

Fellow Citizens:

IT APPEARS TO ME AN APPROPRIATE OCCASION in transmitting to the legislature my first annual message to contemplate for a few moments, the peculiar change in the circumstances that attend its present meeting, from those which attended the meeting of the last legislature. The members of the present legislature come together in a spirit of peace and amity, to perform the various important duties confided to them by the people. Jarring and discordant interests will not, I trust, distract their councils, nor "contested elections," love of office, or reluctance to yield submission to the will of the majority, disturb their harmonious action, and shake for a time the confidence of our sister states and of the world, in the integrity and stability of our republican government itself.

The scenes witnessed at Harrisburg on the 4th day of December, 1838, and for several ensuing weeks, are too memorable to be soon forgotten. During that un-

fortunate period, for the first time, in the history of this commonwealth, was it deemed necessary, by those entrusted with the functions of the government, to appeal to military force to protect the civil authorities in the discharge of their own duties, against the alleged interposition of a portion of the citizens of this commonwealth, who were present at the seat of government, as was their privilege, to witness the ceremonies of organizing the legislature. Whatever disorderly occurrences took place in the house of representatives and in the senate, on the day already named, are to be deeply regretted; but still more is it to be regretted, that these occurrences found the least cause to create, or palliation to excuse them in the conduct of men, whose stations, whose duty, and whose oaths all conspired to restrain them from flagrant and wanton violation of the law and the constitution. It is a melancholy symptom of insubordination, and hostility to the restraints of social order, when even private citizens openly set at naught the laws of the land:—it is conclusive proof of a spirit worse, far worse in its tendency, when officers solemnly sworn to obey and execute the laws trample them contemptuously under foot. In doing so, they seem to forget that not only public officers, but even laws, and constitutions of government, exert their authority over a free people, only by virtue of public opinion. Withdraw from them this potent support, and they fall alike powerless and unheeded.

The public officer will possess the confidence and enjoy the respect of the people, so long as his conduct is conformable to their wishes, their wants, and the law; but he will possess the one and enjoy the other no longer. The law or the constitution will remain in force, while it is believed to be capable of promoting the public happiness and public good. The moment either ceases to be productive of this result, it is

subjected to the wholesome remedy of repeal or modification. The laws of nature, and the recognized principles of our own free government, point out the justice and the duty of this course.

These elementary principles should be ever present to the mind of those who are invested with authority. They would enforce the lesson inculcated by all experience, that no officer of the people can depart from his duty and continue to command their respect and their support. They would admonish public functionaries, that those who forget them, those who determine to resist the popular will, and treat elections as if they had not taken place, must expect on the part of the people, the keenest disapprobation, the deepest popular commotion, and it may be the most fearless and patriotic defiance of their menaces and their power; against which, even legislative enactments are vain, and the bayonets of any other soldiery than those of a standing army pointless, impotent and unavailing. In such emergencies they would learn that they could put no reliance on the aid of "citizen soldiers," for they will participate in the feelings and the wrongs of their fellow citizens, and refuse obedience to those who would command them, if they consider such obedience intended to insult those feelings or aggravate those wrongs.

Our own recent experience affords abundant confirmation of these general truths. We can proudly refer to the history of Pennsylvania for proof, undoubted proof, that our republican instutions are reared on a foundation not only permanent but impregnable. We have seen them assailed, at times, by both corruption and force, by adversity and prosperity, by foreign war and domestic discord; by the independent energies of the people and the audacity of those they had entrusted with power; they have withstood all these trials, they have not been shaken, but around them have clung with a broader and firmer

grasp, every feeling of affection and every principle of liberty that can animate the breasts of the American people.

But a year has elapsed since the patriot was trembling for the fate of this Commonwealth, agitated, as it seemed, to the very verge of a civil war between the people and their rulers. The danger is past—tranquility is restored—the legislature assembles as those did, composed of the fathers of the republic, under auspicious omens; scarce a trace of the convulsion remains, except in the stern and awful lesson it has taught to all public functionaries, a lesson they will not in future dare to deride, that when a majority of the people has passed judgment on any men or any measure, it is worse than folly and desperation, to treat that judgment as if it had not been pronounced.

We are indebted to a gracious Providence for a season of general health, of abundant harvests, and for as great a measure of prosperity and blessings, as in his inscrutable wisdom, he usually bestows on the nations of the earth. Peace with foreign nations, security to our wide and extended commerce, and respect to our flag, in all seas, characterize our national relations, and demonstrate that their guardianship is reposed in faithful hands.

In performing the duty enjoined on me by the constitution, of giving to the legislature information of the state of the commonwealth, and recommending to their consideration such measures as I may judge expedient, I must, in the first place, invite your attention to our financial condition, as the subject of first importance to the people. A full exposition of the debt due by the state to the holders of the certificates of the various loans authorized by law, will appear in the following tabular statements, showing the amount of the several loans—when authorized—when due—for what purposes made, and the annual interest thereon.

STATE LOANS.

Nature of Loans.	Dates of Acts Authorizing.	When Reimbursable.	Amount.
Stock Loan,	2d April, 1821,	1 June, 1841,	$930,000 00
do. do.	30 March, 1824,	1 January, 1839,*.	220,000 00
do. do.	30 March, 1824,	1 May, 1839*.	380,000 00
do. do.	11 April, 1825,	1 January, 1840,*.	150,000 00
do. do.	1 April, 1826,	1 December, 1846,.	300,000 00
do. do.	9 April, 1827,	1 December, 1850,.	1,000,000 00
do. do.	24 March, 1828,	1 December, 1853,.	2,000,000 00
do. do.	18 December, 1828,	1 January, 1854,..	800,000 00
do. do.	22 April, 1829,	1 December, 1854,.	2,200,000 00
do. do.	7 December, 1829, and 4 January, 1831,	1 May, 1839,*.	90,000 00
		1 May, 1844,	62,500 00
		1 April, 1847,	50,000 00
do. do.	13 March, 1830,	4 March, 1858,	4,000,000 00
do. do.	21 March, 1831,	1 July, 1856,	2,483,161 88
do. do.	30 March, 1831,	1 July, 1856,	300,000 00
do. do.	30 March, 1832,	1 July, 1860,	2,348,680 00
do. do.	5 April, 1832,	1 July, 1860,	300,000 00
do. do.	16 February, 1833,	1 July, 1858,	2,540,661 44
do. do.	27 March, 1833,	1 July, 1858,	530,000 00
do. do.	5 April, 1834,	1 July, 1862,	2,265,400 00
do. do.	13 April, 1835,	1 July, 1865,	959,600 00
Loan for eastern penitentiary,	28 March, 1831, and 9 April, 1833,	28 March, 1861,	120,000 00
Loan for Union canal company,	1 March and 16 December, 1833,	10 April, 1863,	200,000 00
Temp'ry loan for E. & N. Br. Ex.,	Res. 16 June, 1836,	*	200,000 00
Temporary loan,	12 Sec. act 14 April, 1838,	*	600,000 00
do. do.	3 Sec. do. do.	*	200,000 00
Stock loan,	26 January, 1839,	1 July, 1859,	1,200,000 00
do. do.	9 February, 1839,	1 July, 1864,	1,280,000 00
do. do.	16 March, 1839,	1 July, 1864,	100,000 00
do. do.	Res. 27 March, 1839,	1 July, 1868,	470,000 00
do. do.	Act 7 June, 1839,	1 July, 1859,	50,000 00
do. do.	27 June, 1839,	1 July, 1864,	1,150,000 00
Temporary loan,	27 June, 1839,	1 March, 1840,	220,000 00
Stock do.	19 July, 1839,	1 July, 1868,	2,054,000 00
			$31,754,003 32

By the loans authorized since the 15th January, 1839, provision has been made for the payment of prior loans falling due before the meeting of the legislature in 1840, marked thus * in the above table, and amounting to, ... 1,840,000 00

Whole amount of state loans bearing interest at the rate of 5 per cent. per annum except $200,000.00, which bears 4½ per cent., ... $29,914,003 32

The following state debts do not bear interest.

There was due on the 15th January, 1839, by appropriations to internal improvement purposes—miscellaneous objects, &c., (See State treasurers report, Journal H. R., 1838-9, vol, 2, page 11), the sum of, ... $2,076,786 87

There has been paid on this account by loans authorized at the last session, ...	$457,750 00		
Out of funds of treasury, ...	258,891 17	716,641 17	
			1,360,145 70
Due United States on account of surplus revenue, ...			2,867,514 78
Aggregate amount of state debt, ...			$34,141,663 80

Abstract of the appropriations of the loans authorized since the 15th January, 1839.

To pay interest on the public debt, ...	$822,250 00	
To pay temporary and stock loans, ...	1,840,000 00	
To pay debts due on appropriations previously made to various internal improvements,.....	457,750 00	
To pay repairs of the Huntingdon breach, ...	380,000 00	
To pay repairs of the canal and railways, ...	705,000 00	
To pay for avoiding Columbia inclined plane,.....	69,000 00	
To pay old debts, ...	145,000 00	
To pay damages, new work on old lines, canal commissioners, &c., ...	105,000 00	
To pay for locomotives, ropes, &c., for railways,	100,000 00	
To pay on account reservoirs Portage railway,....	70,000 00	
		$4,694,000 00

Towards compleating public works commenced in 1836.

North Branch extension, ...	$630,000 06	
Erie extension, ...	800,000 00	
Sinnemahoning extension, ...	30,000 00	
Wiconisco canal, ...	190,000 00	
		1,650,000 00

Towards the following improvements:

Survey railroad, Harrisburg to Pittsburg,.....	$30,000 00	
Stock in Franklin railroad, ...	100,000 00	
Stock in Pennsylvania and Ohio canal, ...	50,000 00	
		180,000 00
Whole amount of loans authorized at the last session, ...		$6,524,000 00

It thus appears that the state debt amounts to the vast sum of $34,141,663.80—of which the sum of $29,914,003.32 being due upon state loans bears an annual interest of $1,494,700.16.

This aggregate state debt (with the exception of $180.000.00, appropriated at the last session of the legislature to the survey of a railway from Harrisburg to Pittsburg—to stock in the Franklin rail road, and to stock in the Pennsylvania and Ohio canal, as above stated), was contracted prior to the 15th January, 1839, the day of my inauguration. It is true that the sum of $6,524,000.00 was authorized to be borrowed since that period—but the whole of this large amount

with the above exception, was appropriated to the payment of debts and liabilities due, and falling due, in the year 1839, for the payment of which no provision had been made when I entered upon the duties of my office.

It is evident from this simple statement of the public debt, that whatever may be its amount, or whatever the inconvenience we suffer from it, none of the responsibility rests upon me. All the additions that have be made to it, since I came into office, have been either to pay debts already due, or to prosecute contracts for works then commenced and in a state so forward, as to forbid their abandonment. This public debt has been contracted under full authority of law. The faith and honor of the people are pledged, in the most solemn manner, to the payment of the interest annually accruing, and to the final payment of the principle. Every consideration of duty, integrity and national fidelity, binds us to the honest performance of our part of the bargain with the holders of the certificates of our loans. It is immaterial whether we received these loans in paper money, or in gold and silver; whether in merchandize, railroad iron, or any other commodity:—we have received a consideration in something; we have issued the certificates of stock, and we must abide by the contracts which we ourselves invited others to make with us, and ratified in all due forms of law.

I stated in my inaugural address, that I believed although the state debt was large, and a considerable portion of it had been incurred by injudicious legislation and expenditures, yet that I was convinced the public improvements constructed by it, and the general increase of the value of property in the commonwealth, were fully equal to the whole amount of the debt. I still entertain the same opinion, but in submitting to your consideration

a statement of the resources of the commonwealth, I feel it to be incumbent on me to exhibit the actual productiveness of our internal improvements, in a light somewhat less flattering, than that in which it has usually appeared. I am constrained to pursue this course by a high sense of duty, and not by any desire to arouse hostility against them, or to weaken the confidence of the public in their ultimate value and utility. It has been customary, hitherto, to state the gross amount of tolls derived from our canals and railroads, in such a manner as to convey the impression that they yielded that sum, clear of all deductions for management and repairs. The constant yearly increase of tolls has served as a powerful stimulant to the prosecution and extension of the entire system of our improvements. Men of sanguine feelings have confidently looked forward to an early day, on which the tolls arising from our improvements would not only pay the interest on the whole state debt, but yield, in addition, a large surplus to be applied to the extinguishment of the principal. Local interest, and ardent public enterprise, readily concurred in this opinion. We had embarked in the system too deeply, both in pecuniary investments, and state pride, to turn back. The great undertaking must go through; we hed pledged our faith, our firmness and our ability to that effort, and we gathered hope and confidence wherever they could be found. It is not surprising, therefore, that our governors, legislators and people, have deceived themselves, and deceived each other, in pursuit of this favorite object. It forms no just ground of censure against against the active supporters of our system of internal improvements, that they have fallen short—far short; of public expectation, in the amount of revenue they afford. The time may perhaps arrive, at no very distant day, when the increase of our population, business and wealth, will en-

able us to realize the flattering anticipations of the early friends of the system; among whom, as an unwavering advocate and supporter of that system, on judicious principles, I am proud to claim a rank. It is immaterial what we had hoped, or what we now desire, on this subject; it is our duty as prudent and faithful guardians of the public interests, to examine it with candor, and to act upon it without concealment or fear.

If the income derived from our public improvements is less in fact, than has been generally represented and supposed, the present is the time above all others, when it should be made known, and measures be adopted to meet the deficiency. The following tabular statements show the amount received from tolls and from motive power, during each of the last five years; the amount expended for motive power, repairs and management for the same time, and similar estimates of tolls and expenditures for the ensuing year, to wit:

1835. Tolls received, ...	$597,631 67		
Tolls received from motive power, ...	86,726 10		
	$684,357 77		
Repairs and cost of motive power, ...	431,626 10		
			$252,731 67
1836. Tolls received, ...	$671,849 74		
Tolls received from motive power, ...	166,281 04		
	$838,130 78		
Repairs and cost of motive power, ...	551,024 63		
			$287,106 15

1837.	Tolls received, ...	$758,765 12	
	Tolls received from motive power, ...	216,585 37	
		$975,350 49	
	Repairs and cost of motive power, ...	883,516 86	
			$91,833 63
1838.	Tolls received, ...	$721,458 70	
	Tolls received from motive power, ...	244,570 94	
			$966,029 64
	Repairs and cost of motive power, ...	1,069,657 71	
	Deficit, ...	$103,628 07	
	To which deficiency for said year may be added for debts due and unpaid, the sum of, ...	275,000 00	
		$378,628 07	
1839.	Tolls received, ...	$821,780 58	
	Tolls received from motive power, ...	280,123 53	
		$1,101,904 11	
	Repairs and cost of motive power, ...	656,460 32	
			$445,443 79

For this year the sum of $100,000 was appropriated to the support of motive power, but of this, only five or six thousand dollars have been expended.

Thus it appears from these statements, that the tolls for the present year, exceed the amount of ex-

penditures for motive power, repairs and management, only $445,443.79. The tolls for the last five years, though gradually increasing, only exceed the expenditures on the lines from which they are derived $698,587.17—and in fact, in the year 1838, fell short of meeting the expenditures $378,628.07, including the deficiencies and debts due at the end of the year. — And if the public works be put in a situation, available for the business of the coming year, the estimated tolls will not more than equal the estimated expenditures. It is perhaps due to the public improvements to state, that, after payment of repairs and all expenditures upon them, the tolls for the year 1839, thus appear to have exceeded the tolls for the year 1838, the sum of $824,071.86. I refer you to the detailed report of the Canal Commissioners for such further information on this subject, as may be essential to a full understanding of it.

The ordinary resources of the Commonwealth arising from all revenues payable into the treasury, together with an estimate of the whole amount of public property, will appear from the following tabular statements:

Abstract of the ordinary revenue of the State in 1839.

Canal and railway tolls, ...	$821,780 58
Auction commissions and auction duties, ...	101,728 61
Collateral inheritance tax, ...	35,908 78
Dividends on bank stock, ...	166,079 50
Dividends on turnpike, bridge and navigation stock, ...	41,017 70
Land and land office fees, ...	46,594 95
Tax on bank dividends, ...	133,440 78
Tax on certain offices, ...	2,882 90
Tax on writs, &c., ...	26,652 56
Tavern licenses, ...	49,027 77

Retailers' licenses,	68,202 97
Tax on loan companies,	2,240 00
Escheats,	3,020 24
Bank charters,	100,000 00
Hawkers and pedlars' licenses,	3,925 15
Miscellaneous,	18,617 35
	$1,621,119 84

Abstract of the ordinary expenditures of the State in 1839.

Expenses of government,	$412,751 63
Repairs—canal and railways,	376,336 79
Militia expenses,	25,981 17
Guarantee of interest,	24,562 22
Pensions and gratuities,	53,588 74
Common schools, colleges, &c.,	385,253 14
House of Refuge,	5,000 00
Penitentiaries, eastern and western,	30,826 54
Interest on loans,	1,296,010 24
Pay of collectors, lock-keepers, &c.,	70,000 60
Miscellaneous,	28,552 40
	$2,708,863 47

Public Property.

Bank stock,	$2,108,700 00
Turnpike and bridge stock,	2,821,215 88
Canal and navigation stock,	602,579 91
Rail road stock,	327,368 93
Public works, canals, railways, &c.,	26,399,220 56
Money due on land, estimated,	1,000,000 00
	$33,259,085 28

The public improvements are estimated at their original cost, and the bank and rail road stock owned by the state, at its par value. It will be obvious that this estimate has relation to the ultimate value of all (except the bank stock), and not the present available value which this public property may bear.

On a recapitulation of the foregoing statements, it appears from them that the public debt amounts to the sum of	$34,141,663 80
The public property to, ...	33,259,085 28
Balance, ...	$882,578 52
The ordinary expenditures of the commonwealth for all purposes for the last year, are, ...	$2,708,863 47
The ordinary revenue from all sources for the same year, amounts to, ...	1,621,119 84
Leaving a gross balance against the state of, ...	$1,087,743 63

The affairs of the commonwealth have been for several years gradually verging on towards deeper and deeper embarrassment, until we have at length reached this unexpected deficiency of funds in the treasury, to meet the demands upon it. The people have been told, again and again, that our fiscal condition was flourishing and prosperous, while in fact, our prosperity was all based on paper calculations and loans, which loans, we are just now beginning to perceive, bear interest, and are some day to be paid. We are now compelled to forego all temporary expedients, and to look the true state of things in the face. We must resort to taxes, the sale of the public improvements, or to further loans. The public improvements cannot

be sold but at a most ruinous sacrifice; and as to loans, it is doubtful whether we can procure them at all, unless at an unwarranted rate of interest. Notwithstanding all these difficulties, this sum due by the state must be paid. To obtain the means we have at the best a choice of evils; and we ought to select that which will impose on the people of the commonwealth least inconvenience and detriment. I shall recur to this subject again, in a subsequent part of this message.

In this state of things the recent conduct of the banks in this commonwealth, has added in no slight degree to our embarrassments. On the 10th day of October, last, the banks of the city of Philadelphia suspended, wholly, or in a great measure, the payment of their notes and other liabilities, in specie. Most of the banks in the interior speedily followed their example, as did also the banks in nearly all the other states of the Union. But the banks of the state of New York, and a few others, favoured by peculiar circumstances, or influenced by other causes, have been able to withstand the current of demand, and have continued to pay specie until the present time. This suspension was an event unlooked for by the public, and productive of the most unhappy results. It has paralized business,—shaken both state and individual credit,—crippled all our monetary operations, and struck a death blow at the means of subsistence possessed by that portion of our fellow citizens, whose labor and industry form their only capital. From all classes of the community, save those alone who are interested in the banks, was heard a loud and deep condemnation of this measure. Innumerable remedies have been suggested,—some looking to the regulation of these institutions, others to their punishment and extirpation. I was besought to convene the legislature at an earlier day than that fixed by the

constitution, and very numerous conflicting suggestions have been offered, as to the measures of relief that should be recommended. On a subject so vitally interesting to the people at large, as that of the currency, I was persuaded that hasty legislation was neither prudent nor desirable; and I accordingly declined to convene you before the day designated in the constitution. Time for reflection, time for further experience, and time to ascertain the general wants and wishes of the people, has thus been afforded, and I confidently trust, that nothing will be lost by the delay.

One of the greatest evils of a suspension of specie payments by the banks, is the vast amount of small notes issued without authority of law, by individuals and corporations, that is immediately forced into circulation, to supply the place of the specie, for purposes of small change. This debasement of the currency aggravated the consequences of the suspension in 1837. It ended in great losses to the public and in multiplied frauds. Satisfied that the same evils would again be experienced, I immediately caused the Attorney General to adopt proper measures to bring to justice all offenders against the law prohibiting the issue and circulation of notes below the denomination of five dollars: and I am happy to state to you that this measure was entirely adequate to the suppression of the issue of any notes of that description in the commonwealth. Ample arrangements had been made, as I am informed, to throw into circulation a large amount of this spurious currency, but they were instantly arrested by the prompt and energetic action of the Attorney General; and public opinion, with an unexampled unanimity, sanctioned the measure, and crowned it with success. It is true, in the counties of the commonwealth bordering on states that allow the issue of small notes, it has been impracticable

to restrain altogether their circulation, still very few of them have found their way into the central part of the state. I shall call your attention to this subject again in another part of this message.

The active currency of Pennsylvania, and of the whole Union, is composed mainly of bank notes. These notes are made payable on demand in specie; and while they continue to be so paid, no great danger of loss to the community can arise. The history of all bank operations shows, that while their notes are redeemable, and actually paid in specie when presented at the counter, an over-issue to any considerable extent, cannot easily take place. It is only when notes are issued to such an amount, or when other obligations are incurred by the banks so great as to prevent them from meeting these demands with specie, that they may be considered in an unsound state, and the public in danger of suffering loss from the circulation of their notes. It is manifest, therefore, that the suspension of specie payments by the banks, is the precise act above all others, that renders them unsafe and dangerous to the public—and the one which in future, ought to be most strictly guarded against by law. It is true it does not always follow that banks are unsound and unable to pay all demands against them, because they do not pay in specie for their notes; yet unless explained to have been caused by some other means than the unsoundness of the institutions it must operate much to the prejudice of their credit and standing.

In Pennsylvania there are fifty-two banks, with an aggregate capital of something more than sixty millions of dollars; but such has been the disregard of law by some of them, that they have not made any return; and the returns made by several of them, are so very imperfect, that it is impossible to arrive at anything like accuracy as to the amount of their cir-

culation, specie or debts due to them. But from the best data within my reach, the amount of their notes in circulation may be computed at not less than thirty-three millions of dollars, and the amount due and owing to them, principally by corporations and citizens of this commonwealth, is perhaps about seventy millions of dollars. This amount is due to these banks from individuals residing in all sections of the state, and engaged in all kinds of business. Stock in our rail roads, canals, turnpikes, &c., are held by some of these banks, and in the shape of subscriptions, bonuses, or dividends, they contribute largely to the general fund in the state Treasury, and to the support of the common school system. Their charters expire at various periods between the present time and 1870, and the stock in them is owned by a great number of persons of all ages, classes, conditions and pecuniary means. The capitalists of the country, as well as those of moderate means, widows, orphans, and guardians, all own stock in our several banking institutions. From this cursory glance at the subject, it is evident, that the business interests, and banking institutions of the country, are intimately connected together, and mutually exert a powerful influence on each other.

A more general and comprehensive view of this subject will show, that the banking system has been greatly extended throughout the whole Union within the last twenty-five years—certainly to a greater degree, than the vastly increased business of all kinds would have seemed to warrant. The following tabular statement of the number of banks in the United States, with their capitals, loans, discounts, circulation and specie, at three different periods, will illustrate, with great force, the progress of the system. It is manifest that the number of banks, with a corresponding increase of capital and circulation, has

been fearfully augmented within a few years. Pennsylvania has contributed her full share, since 1835, to this increase.

Years.	No.	Capital.	Loans and Discounts.	Circulation.	Specie.
1820, ...	308	$137,110,611	$189,252,422	$44,863,344	$19,820,240
1830, ...	330	145,192,268	200,451,214	61,323,896	22,144,917
1837, ...	634	290,772,091	525,115,702	149,185,890	37,915,340

It is sometimes said, that the whole banking system is but "an experiment," and that as such, it has failed to answer the expectations of its projectors; that it is time it was wholly abrogated, and that Pennsylvania ought to take the lead in this great work of reform. It is certainly true, that the banking system of the United States is so far a mere experiment, as to be found in a state of constant change and fluctuation. No great elementary principles have yet been struck out by experience, to form a sound and stable basis to uphold and control it. Like the banking systems of all other parts of the world, imperfection characterizes nearly all its details, and abuses of the most flagrant sort have been coeval with its first establishment.

In legislating on this subject, however, we cannot close our eyes to the peculiar condition of the country. We must take things as we find them. We are not considering what would be the proper course if we were now about to introduce, for the first time, a system of banking in Pennsylvania. That question was settled long ago, and by a constant and rapid progression it has been entwining itself with every interest and every measure of policy in this commonwealth. It has, for good or for evil, stamped its influence on every commercial, manufacturing, and agri-

cultural interest among our citizens. Under the operation of this system, and on the faith of its continuance, in some form, all our business has been undertaken, our contracts between individuals entered into, and their debts contracted,—our internal improvements commenced, and our vast state debt fastened on the people. Abrogate the entire system, and we know not into what condition it will plunge us. Real estate and all commodities of commerce, agriculture and manufactures, now bearing the highest paper price, must fall greatly in value, and by that fall in price, thousands of the enterprising and industrious of our fellow-citizens will be irretrievably ruined. The ten years immediately following the last war with Great Britain, furnish us some instructive lessons on this subject, though very inadequate to portray the consequences that would follow the same causes in our present situation. And what heightens the evils anticipated, is the reflection, that the poor, and those in moderate circumstances, would be obliged to endure the brunt of the hardships. The rich, being the creditors, have little to fear from such change in our system of currency; it is the debtor part of the community on whom the chief burden is cast. In adopting coercive measures against the banks, it should not be forgotten, that the penal consequences do not fall on them alone. The vast number of individuals, from whom so many millions are due to those institutions, would feel most oppressively the blow. Nor would it be right or just to cast the great mass of innocent stockholders, beyond the pale of legislative protection. The officers and directors, who are in fact chargeable with most, if not the entire blame, would readily screen themselves from it, elude the laws, take care of themselves, profit by the sufferings and losses of the innocent, and leave those to perish, who had little, if any, active agency in producing the present

state of things. This is a matter worthy of your most serious and deliberate consideration.

On reference to the history of all commercial nations, it will be found that every considerable fluctuation in the currency, operates directly, and with greatest severity, on the laboring part of the community. While currency is in a state of transition, from a cheaper to a dearer medium, the prices of wages are first affected, without an immediate corresponding change in the price of the necessaries of life. Those who carry on extensive business operations of all kinds, are soon compelled to curtail or stop, and numerous industrious operatives are thrown out of employment, or compelled to resort to other occupations, that they do not understand, for the means of supporting their families. Besides, though Pennsylvania might abrogate her banking system altogether, yet we have no assurance that other states would follow her example. It would be difficult, if not impossible, to prohibit their bank notes from circulating among us, and we should thus suffer the worst evils of the banking system, without its benefits; for the banks of other states would be situated beyond the reach of our legislation and control. I know of no other mode of securing uniform and cotemporaneous action, on this important subject, among all the states of the Union, except through the agency of the general government; which, if not already possessed of the power necessary for that purpose, should be clothed with it, by an amendment of the constitution.

There is an essential difference between the position of the citizens of our commonwealth, in a pecuniary point of view, now, and that which characterized it in the years 1816, 1817, 1818, &c. It is true that then, as now, the country was flooded with foreign goods, which low duties and credit upon those duties, enabled foreigners to introduce, and thus cre-

ate a large debt abroad. It is also true, that then, as now, the banking capital, banking facilities, and bank issues, were increased beyond what the necessities of the country for the healthful transaction of its business required. But then the spirit of speculation had infected the agricultural, as well as all other portions of the community. Now, however, our farmers are generally out of debt, and in flourishing circumstances; and it is the mercantile and manufacturing classes that have been principally suffering by the undue expansion of the credit system. But there is now an evil existing, of which we then knew nothing, and which does more than counterbalance the partial exemption from suffering of our agricultural interest. The contraction of enormous foreign debts by the states for the purpose of internal improvements, and for the establishment of banks, &c., is of comparatively recent origin. This system of pledging the property and industry of posterity, for the payment of money obtained by the present generation, in each state, has chiefly grown up since the year 1820,—and as the following statement, which I believe to be essentially correct, will show, has been surprizingly on the advance during the last four or five years. The amount of stock authorized to be created by eighteen states, in each period of five years, from 1820, to 1838, was as follows, viz:—

From 1820 to 1825, ...	$12,790,728 00
From 1825 to 1830, ...	13,679,689 00
From 1830 to 1835, ...	40,002,769 00
From 1835 to 1838, say 3½ years, ...	108,223,808 00
	$174,696 994 00

This statement embraces all the stocks authorized to be issued up to, and including all but the last session of each state legislature. A correct statement of

the stocks authorized to be issued, by all the states except our own, at the last session of their legislatures, I have been unable to procure. Of the foregoing stocks, it appears from the best inquiry I can make, that the following amounts have been obtained for the several objects stated, viz:

For banking, ...	$52,640,000 00
For canals, ...	60,201,551 00
For rail roads, ...	42,871,084 00
For turnpikes and Macadamized roads,	6,618,958 00
For miscellaneous objects, ...	8,474,684 00
	$170,806,277 00

If we add to the above enormous amount of state stocks, owned almost entirely abroad, the post notes and bonds issued by banks, cities, rail road, canal and trust companies, and other corporations, to holders residing in Europe, we shall probably have a grand total of at least two hundred and twenty millions of dollars, bearing an annual interest of about twelve millions of dollars. This latter sum must be paid to the European holders in specie, or its equivalent, and may be justly regarded as one of the principal causes of our present monetary derangements. Little immediate relief can be expected from our exports. During the last few years, they have been found totally inadequate to cover the heavy importations into this country. From 1820 to 1830, the imports into the United States, exceeded the exports therefrom, annually about the average sum of three and a half millions of dollars. Since the year 1830, our imports, including gold and silver coin, have exceeded our exports about twenty-four millions of dollars, per year. It is perfectly clear that this system of operations must speedily end in the effectual prostration of our credit, business, and resources. No nation, whatever

may be its industry, vigor, and natural advantages, can maintain its prosperity and independence against such oppressive drawbacks as this is. It is true the public debt of Great Britain is a manifold greater one than this, comparing the population and resources of the two nations; but the debt of Great Britain, is chiefly due to its own subjects; the interest paid is retained at home, and continues to form a part of the capital of the country. The interest we pay, on the contrary, is paid to foreigners. It is withdrawn from among us, never to return unless in the shape of new loans, to augment the drains on our capital.

Much has been said and written on the subject of our "credit system," within a few years past. It is one of unqualified eulogy by some, and of as unqualified condemnation by others. By many, the banks have been regarded as the authors of that system, and of course of all mischiefs; and by others, as of course, the authors of all good. It is somewhat astonishing that this novel system of constructing canals and rail roads, and of building towns and cities, and establishing banks by the instrumentality of state credit, as if done by magic, has not been accredited as one of the most potent agents in producing many of the recent phases and phenomena of the credit system. Had it not been for the support of credit, afforded to our bank speculators and merchants, by the sale of state stocks abroad, feeble and vain would have been the efforts of the banks to have created and sustained such an extent of paper circulation as we now find in the country—equally feeble and vain would have been the efforts of speculators to have procured such heavy amounts of foreign capital, to employ for purposes of wild speculation, and of our merchants to procure such unprecedented credits as have filled every store-house in this country, with goods and wares not paid for, while lying upon interest unsold.

Did the amount to be loaned to our banks by foreign capitalists, and to be trusted to our merchants by foreign manufacturers, depend on the mere credit of the banks, or the merchants themselves, it could rarely exceed one year's excess of importation, or about twenty millions of dollars. But when the sovereign states volunteer as endorsers for the banks and corporations, and in effect draw their bills of exchange, by furnishing certificates of loans in favor of the merchants, this credit system becomes immeasureably extended, until is has at length reached to the astonishing sum of more than two hundred millions of dollars.

The banks have acted as the brokers, on a large scale, through whose agency the state loans have been negotiated with foreign capitalists. But let the legislatures of the several states creating loans take to themselves the honor and responsibility of furnishing the chief aliment, to sustain our cumberous credit system. It is no doubt true, that the inordinate increase of banks of late years, has been partly produced by the immense accumulation of state credits, and has, in some degree, stimulated the action of the legislatures of the several states, in authorizing the same, by affording agents to negotiate and customers to consume, the avails of the stocks, when negociated.

Until within the last year, we have been able, not only to borrow money, without difficulty, on state stock in Europe, but to pay the interest arising on former loans, by new ones. We felt little of the inconveniences of this bloated system of credits, and seldom reflected that a day of reckoning would come, when we could thus pay our debts no longer. States, banks, corporations and individuals, all moved forward in harmonious unison, borrowing all they could, and wherever they could, without reference to their future ability and means of re-payment. The delusion

is at last over. State stocks are now an unsaleable drug in foreign markets, and we are called upon for the interest on our permanent loans, and have no means of paying it, unless we export specie, rely on the remote avails of our agricultural productions, or dispose of more state stock, at a ruinous sacrifice, if indeed we can dispose of it at all.

The time for sober reflection has arrived, and the different states must now determine whether they will, or not, persist in a course of policy which has thus far been productive of such serious evils. Shall the states of this Union, plunge deeper into debt and embarrassment, or shall they make economy and prudence their motto, resolve to extricate themselves, as soon as possible, and be free? This is the question, and I trust Pennsylvania is ready to take her stand with those who follow the dictates of prudence and economy.

A system of credit, acted on with caution and sound judgment, is not only wise and judicious, but indispensable to an enlightened business community. The honesty, industry, and capacity of a poor man, is his only capital, and unless it gives him credit where he is known, there is little practical difference between the condition of the honest and dishonest, the capable and the ignorant man. The station of men in society, on the opposite principle, would be fixed by their birth, and merit would be regarded as a bootless qualification. This is not the doctrine of nature, or of our Declaration of Independence, and American system of government.

The credit system will be seldom abused in the case of individuals; but not so in that of corporations and governments. When men judge in their individual relations, they weigh things well,—when as members of corporations and governments, their caution corresponds with their share of the responsibility. Our

present condition illustrates the truth of this position, and calls aloud on the representatives of the people to pause and reflect. Let no more state debts, not indispensably necessary to preserve the faith and honor of the states, be contracted; let no certificates of loan be issued, and no commercial commodities be imported for a few years. We will thus overcome our present difficulties, and re-establish our credit at home and abroad. This is the only course dictated by prudence and honesty.

I have thus, at some length, brought to your view several considerations, essential to a just and full knowledge of the important subject of our finances. I have shown, I trust, that the leading causes of our present derangements, lie at the very foundation of our system of legislation for the last twenty years. The original defects and infirmities of our banking system, have been aggravated by our system of public credits, and must continue to be so, as long as the same course is pursued. It must be evident from what has been already said, that our banking system, however objectionable in its origin, is now fastened upon us, and connected with all our business operations, so that it would be productive of more mischief to cut it up by the roots, than to let it stand, reformed and regulated in such manner as your experience and wisdom may enable you to devise.

I proceed to make such suggestions and recommendations on the subject, as appear to me to promise the most salutary influence and restrictions. Promising, at the same time, that I do not flatter myself, that the adoption of my recommendations would render the system perfect, or give universal satisfaction on this subject, upon which there are so many adverse opinions. It will be borne in mind, I trust, that it is no difficult task to sit down in the closet and construct theories on the subject, beautiful and plausible

in the abstract, without a full and comprehensive knowledge of their practical operation; or to cavil at whatever is suggested, and to condemn what it is neither understood or disproved. This is a feat that the weakest can, and the malicious will, perform. I have too much confidence in the present legislature, to suppose that their assaults will shake the independence or warp the judgment, of its members. I regard such attempts as unworthy to be heeded, come they from whatsoever quarter they may. Freedom of opinion belongs to all, and I concede it to others with the same readiness that I claim it for myself. I only ask in this matter a just measure of credit, for the anxious and careful consideration I have bestowed upon it, with an eye single to arrive at the result best calculated to advance the public good.

The first object to be gained, by any recommendation I may make, or by any measure you may adopt, no doubt is to secure an early resumption of specie payments by the banks, and to guard against a like suspension in future. This desirable end must be attained, on a judicious consideration of the subject, and with due regard to its practicability, as well as to the wrongs and inconveniences the people endure.

As I have already stated, the New York banks continue to pay specie, as well as the banks of several other states; indeed, some banks that had suspended, have recently resumed. I believe the condition of most of our own banks is as sound, in reality, as those of other states. They have as much specie in their vaults, as good debtors, and I know not why they should be less able and willing to meet all demands upon them in coin. It is alleged that the notes issued by authority of law, in some of the states, of a less denomination than five dollars, have supplied their banks with a substitute for specie, and that this has enabled them to hold out against suspension.

Perhaps this opinion is to some extent well founded, and it is certainly countenanced by the fact, noticed by all who are conversant with the matter, that although the banks in Pennsylvania have suspended specie payments since the 10th day of October, last, yet we now find in actual circulation among our citizens, more specie than in those states where small notes are allowed to be issued, and their banks continue to pay specie for their notes. This is a most conclusive proof of the utility of our own law, prohibiting the issue and circulation of notes of a less denomination than five dollars. Its tendency has been, as I believe, to place in the vaults of the banks, and in the hands of private citizens of Pennsylvania, a greater amount of gold and silver coin, than is to be found in any other state in the Union. I do not think it would be expedient to repeal that law; on the contrary, I think provision should be made to render its enforcement more effectual, and by which we would drive back, whence they came, the small notes of the neighboring states. They are debasing our circulation—they usurp the place of our own specie—and they transfer to the issuers of them, large profits arising from their circulation in despite of our law. If we force them back upon those who put them forth, either banks or other corporations, which are solvent, we shall get, or we ought to get, specie in return for them. Let those states, whose legislatures choose to authorize the issue of small notes, enjoy the benefit of such currency. Pennsylvania prefers gold and silver as small change for her citizens.

While the banks of other states enjoy the advantage of small notes, as a substitute for specie, we should, doubtless, allow our banks, that are deprived of it, some indulgence in resuming the payment of specie for their notes and other liabilities,—and this indulgence should be extended, not so much on ac-

count of the banks themselves, as of the people of Pennsylvania and their business, which would be most deeply affected by imprudent legislation on this subject. It is apparent, to the most casual observer, from the foregoing statements of the income of our public improvements, the resources of the commonwealth, and the vast amount of the state debt falling due, and the interest annually accruing on the whole debt, that Pennsylvania has a deep stake in sustaining the business and credit of this state and of her citizens. Whatever measures cripple our general business operations and prostrate our credit, force upon us the inevitable necessity of resorting to taxation, or to a sale of our public improvements, or further state loans, at a heavy sacrifice. Against all of these measures, I feel a degree of repugnance that cannot be easily overcome. The yearly income of the people is already heavily burthened with taxes: their permanent property is, in effect, mortgaged with an enormous state debt. In this state of things, it behooves the legislature to weigh well the policy of adopting any measures that will curtail the avails of the people's industry, or diminish the resources of the commonwealth to meet its engagements. It should not be forgotten, that, in the case of debts already contracted, the direct effect of reducing the means of the debtor, is to increase the relative amount of his debt. The creditor gains in proportion as the debtor loses, and no man can foresee the extent of the impending convulsion. The commonwealth of Pennsylvania is in no situation to augment her state debt either absolutely or relatively. Untried expedients should be considered well.

I respectfully suggest the propriety of immediately inquiring into the condition of the banks of this commonwealth, and of fixing the earliest period for the resumption of specie payments, that their affairs and

the public wants and expectations justify. It would, perhaps, be expedient to graduate this resumption, either by the denomination of notes or amounts to be paid, so as to make one fourth or more, payable forthwith, and the residue at such respective periods as in the wisdom of the legislature might seem to be advisable, provided the time be not long protracted.

I recommend the appointment of three bank commissioners, to hold their offices respectively for one, two and three years, so that one shall be appointed annually hereafter, with the same powers to examine at all times, into the accounts and conditions of the banks as are possessed by a joint committee of the legislature; and if any bank shall violate its charter, to institute proceedings to bring it to justice without delay; or if any bank now in existence be found unsound, to take the proper measures immediately to wind up its concerns. A proper and prudent supervision of this kind, by competent and experienced commissioners, selected for their personal weight of character and knowledge of the system, would operate as a salutary restraint in the management of our banks, independent of the means which such a commission would afford for correcting abuses.

I also recommend the passage of a law, compelling all the banks in the commonwealth to receive each other's notes at par, so long as the respective banks continue to redeem their notes in specie; and on failure at any time of any bank so to redeem its notes, that the bank our commissioners be required, forthwith, to take charge of it and close its operations, and that each bank be permitted to pay out at its own counter nothing but its own notes or specie, unless at the option of those who have demands upon it. I am clearly of the opinion that such a law would exert a most salutary influence on our banking system. The rate of exchange between the western and eastern parts

of the state is, at times, a serious burden on the community:—the banks create that burden—then, on whom could it be placed with more justice and propriety? They can make those exchanges with much less inconvenience, and with much less expense, than individuals. It would assist to restore confidence, as each bank would be, to some extent, for the security the notes of the others. It would introduce a wholesome system of checks, long wanted, by inducing each to keep watch over the other; and in case of excessive issues beyond their ability to redeem, their notes would be returned upon them, and the bank be forthwith closed. Self interest is the ruling motive with banks, and by this law we should enlist it in support of the public good. It is manifest that this would be an essential improvement of the present system, and would render our banks, and our currency, sounder and better than those of any other state.

I also recommend, that provision be made by law effectually to prevent any bank, or banks, in this commonwealth from purchasing and holding bank stock, or any other stock except their own, and the stock of this state, or of the United States; and then only to such an amount as shall merely furnish a fund for immediate resort in case of a pressure, or under peculiar circumstances when loans to the commonwealth are authorized.

The direct operation of the existing law has been, and must be, to induce banks to engage in wild speculations, foreign to their objects and nature, and to divert their capitals from the legitimate purposes for which they were chartered. Nothing short of the repeal of the present law will arrest this inordinate cupidity, which may be fairly regarded as one of the principal authors of their present embarrassments. Bank officers should not, under any circumstances, be permitted to dabble in stocks, and a law heavily tax

ing brokers, and permitting none to follow the business, directly or indirectly, but such as may be specially licensed so to do, would, it is believed, tend greatly to check many of the evils of which our city population complains.

I also recommend, an unconditional repeal of the law authorizing stockholders to vote by proxies; or, if you should be of opinion that this would be going too far, then, at least, so far, as to prevent proxies from being given by stockholders residing in the county where the bank is located, and prohibiting bona fide stockholders, residing out of the county, from giving proxies to any officer, director or agent of the banks. This system of proxies is susceptible of the greatest abuses. It has been used to keep in office directors, presidents and cashiers of banks, who were not the free choice of the stockholders. It prevents those who are interested in banks from investigating their management, and enables dishonest officers, not only to defraud the banks, but the banks to defraud the public. It is an unnecessary exception to the plain rule of common sense, that where majorities govern, the voters should attend in person.

I also recommend the prohibition, by law, of the pernicious practice of issuing, what are denominated post notes, by the banks, or notes payable at a future day. This is a violation of the spirit and principles of all judicious banking;—it is a dangerous power to be exercised by the banks, and it will, ultimately, enable them to evade most of our penal laws. It calls for effectual extirpation.

I also recommend that the power contained in the amended constitution, of repealing bank charters, reserved to the legislature on the creation of all such corporations, shall be made a fundamental article of every bank charter in the state. This will bring every bank charter directly within reach of the peo-

ple, at all times, and will enable them to rid themselves of any banking institution by repeal, the conduct or power of which renders it obnoxious.

I also recommend, that the time given to the banks, after the presentation of their notes and refusal to pay them in specie, as well as to make applications to a judge by the holders thereof, to exhibit proof of the fact, for the purpose of proceedings to have their charters forfeited, shall be restricted from three months, to thirty days. This will afford a strong guarantee against all future suspensions, and place a more speedy remedy in the hands of the people, should such occur.

I also recommend, that the directors of the banks of this commonwealth shall be rendered personally liable for the payment of all notes issued by the banks respectively under their direction, if at any time the same in circulation, and the money due to depositors, shall exceed the ratio of three dollars for one of the specie in their vaults.

I also recommend, that from and after a certain period, perhaps of one year, no bank in this commonwealth shall be allowed to issue any notes of a less denomination than ten dollars. This will insure us a larger amount of specie in general circulation, and add greatly to the stability of the currency and the banks. Our experience in relation to excluding from circulation notes under five dollars, fully confirms the policy of this recommendation.

I also recommend, that the banks be prohibited from making dividends exceeding seven per cent. per annum, and that the law prohibiting the declaring of dividends, during the suspension of specie payments, be rendered more effectual. It is understood, that several banks in this commonwealth, have wantonly and needlessly, violated this law since their suspension in October last. If this be found to be so, on examination, I recommend, further, the passage of a

law repealing their charters, on such conditions as may seem expedient to maintain the laws inviolate, and to protect the rights of the community. The idea of a set of associated individuals publicly declaring a division of profits among themselves, and refusing at the same time to pay their just debts, is revolting to every principle of common honesty, and good morals. If the laws of this commonwealth, are thus contemptuously trampled on, without even the poorer pretext of necessity urged in behalf of the act of suspension, I think it is time an example was made of the offenders, to vindicate the law, and to punish their temerity.

I also recommend that more effectual provision be made to compel the banks to furnish full statements of their condition to the auditor general, or to the bank commissioners, should the legislature enact a law for their appointment.

The principle of making the stockholders liable in their personal capacity, for the notes of the banks, in case the corporate funds be inadequate, appears just and equitable; and if the legislature can devise a practicable mode of bringing it into operation, I will most cheerfully co-operate with them. Those who share the profits of loaning their credit, should be willing to share the responsibility of making that credit good.

The foregoing recommendations and suggestions, if adopted, would, in my opinion, tend to correct most of the abuses and evils of our banking system; strengthen the banks themselves in the confidence of the people, and secure the public against loss and imposition. I will add, that, I think a total separation between the state and banking institutions ought to take place. The association of private individuals, with the state, in banking institutions, results almost entirely to the advantage of the former. Whatever hopes might have been founded on such association, by the legislature,

that the banks thus owned would be at all times ready to aid the commonwealth, have been illusory. Although the state owns 3,750 shares of stock in the Pennsylvania bank; 5,233 shares in the Philadelphia bank, and 1,708 shares in the Farmers' and Mechanics' bank, yet she has not such a share in the direction of either as to control any of their proceedings, and derives no benefit from the partnership. Her capital is used by her individual associates for purposes of private gain and speculation, and the commonwealth, when she wants money, is compelled to look elsewhere. I, therefore, recommend the passage of a law, authorizing the sale of the state's stock in said banks, at such time, and in such manner, as will yield the greatest amount to the state; or if it be found that such sale cannot be made without too great a sacrifice, owing to adverse circumstances or other causes, that authority be given to declare their charters annulled, and to divide the assets among the state and the private stockholders. The opinion is rapidly gaining ground in this country, that direct associations between governments and banks, is neither advantageous to the parties concerned, nor safe to the public. Our banks so essentially depend on the fluctuations of trade and commerce with foreign nations, and are so liable to be influenced by those monetary convulsions and embarrassments in Europe, which operate with increased force since the relations of business have become so intimate, and the communication is rendered so easy by modern improvements on the ocean, as to form very improper depositories for the money of the people, and a very insecure basis for the public treasury.

The measure of establishing an independent treasury for the general government, with such multiplied securities and guards for the keeping of the public money, as will render it safe and convenient for the use of the government, has been imperatively called

for, and justified, by recent events. Public sentiment is setting in its favor with unprecedented strength, and there is every reason to believe, that the laudable efforts of the President of the United States on behalf of it, will be successful. Among other reforms of our present banking system, I do not consider this as the least. It will remove from the banks many temptations to extend their business to an unreasonable degree; it will check foreign importations; it will save the community from the manifold evils heretofore suffered, in consequence of the governments withdrawing from the banks large amounts of its funds therein deposited, and will place all the banks on an equal footing, by preventing the exercise of that partiality or indulgence, which may very readily be used to strengthen and uphold particular banks, at the hazard of crippling and breaking up others. Under whatever aspect we view it, it seems to me to be a measure, both of wisdom and necessity, which sooner or later, will meet with universal assent.

I also recommend, that thorough investigation be made into the facts, whether or not any of the banks of this commonwealth have charged and taken illegal and usurious interest, either directly, or through the fiction of bills of exchange, or by setting apart portions of their funds, to be used by committees or other persons for such purposes. I have reason to believe that all, or some of these things have been done by certain banks in the city of Philadelphia. And if it should be ascertained on investigation, that such is the case, I recommend that the charters of those banks, which have so acted, be repealed, for this gross and unjustifiable violation of this salutary law. I have also been informed, that certain banks in the city of Philadelphia have neglected or refused to observe the provisions of the 42d section of the act of 16th April, 1838, relative to the rotation and election

of bank directors. This law, I regard as wise and salutary, and if it should appear on inquiry that it has been wilfully disregarded by any bank, or banks, subject to its operation, I respectifully suggest the propriety of passing such a law on the subject, as will effectually prevent future violations, and punish past transgressions.

Savings institutions and loan companies have increased greatly in number and importance in this commonwealth, within a few years. Great complaints have been made, especially in the city of Philadelphia, against their mode of doing business. It is said that they, or some of them, have taken illegal and usurious rates of interest,—that they have dealt oppressively, and illegally with their debtors and customers -and that they have contributed, in some measure, to aggravate the evils and embarrassments produced by the conduct of the banks. I recommend strict inquiry into those and other allegations against them, and if found to be well grounded, that the charters of all that have thus acted be repealed. It is not to be tolerated, that these creatures of legislation, should set the laws at defiance.

I also recommend, the passage of a law for the more adequate prevention and punishment of frauds, and fraudulent breaches of trust by officers of banks, collectors of public tolls, and all other receivers and disbursers of public moneys. Recent experience has shown that civil liabilities are altogether insufficient to protect the public from fraud and imposition, by these several classes of officers. I am not, in general, in favor of multiplying penal laws, but the peculiar temptations afforded to these officers to transgress their duty, and the hope of immunity, arising from the mere civil responsibility to which they are subjected, call for the special interposition of the legislature. Instances of delinquencies have occurred within a

short period, in which not only has the Commonwealth most probably sustained considerable losses, but numerous private persons, little able to bear the consequences, have been deeply affected, and in some cases entirely ruined. The perpetrators of these deeds should be taught, that our penitentiaries were constructed for the reception of inmates like themselves.

Considering the various banks in this commonwealth, incorporated at different times, on different principles, and of widely different amounts of capital, it might perhaps seem expedient to some, that I should recommend discriminating legislation, applicable in its penal consequences to some, and not to all the banks alike. It will be seen that several of my recommendations, though expressed in general terms, will operate on particular banks only. I have not been able to perceive any good reason for making discriminating recommendations. I think, on the contrary, all banks in a sound condition should stand on the same basis, and be subject to the same general regulations. Such of my recommendations, as are applicable to particular banks, are intended to bring all within the operation of the same rules and restrictions. The laws should be made strong enough to control the most powerful, they will then be sure to be strong enough to control the weaker ones. The principle of banking on a large or a small capital, is precisely the same in its influence, except the difference in degree, upon the human character. The greatest gain, at the least expense, is the ruling motive of action in both, and sways with the same power, the bank of one hundred thousand dollars capital in a country village, as the one of so many millions in a great commercial metropolis. The whole difference consists in the influence and power of these respective institutions. I think the recommendations I have

made, if incorporated into the charters of the most powerful banks in the commonwealth, will bring them within the immediate reach of the legislature and the law. In that condition, they will be humbled in their lawless pretensions, and stripped of their ability to set at naught, as they have done, the will of the people. As we cannot get rid of the banks altogether, without the most serious losses, and inconveniences to the public,—the extent of which can be but imperfectly computed, when we consider that it would most certainly reduce our circulating medium very considerably, and that the inevitable consequence of such reduction must be to depreciate our farm lands to one half perhaps of their present value, and all other property in the same proportion; increase, in effect, our state debt in a corresponding ratio, and individual debts in a like relative degree; I find in these things motives, of no slight weight to my mind, for urging steadfastly upon the legislature, the adoption of the suggestions and measures which I have proposed: or at least, if other measures should seem to them preferable, that they should be those of a kindred bearing.

I dismiss the further consideration of our banking system, fully convinced of its manifold imperfections, and abuses; and reiterating the hope and the assurance, that this legislature will not separate, till thorough and searching reform, has hunted out its imperfections, and corrected its abuses. It is fortunate for the public that the banks have either voluntarily, or in the natural course of their own defective organization, placed themselves in a condition, where they not only cannot dispute the policy and justice of reform, but must in self defence, allege the truth of the very doctrines, on this subject, for which the friends of reform have long fruitlessly contended. Time and necessity are powerful reasoners. In this instance,

they have convinced even those who were interested to resist their convictions, and I accordingly trust, the legislature will proceed at once, and courageously, to the accomplishment of this great, salutary, and long expected work.

The public improvements of this commonwealth, constituting one of its principal resources, as well as objects of expenditure, must be regarded as a subject hardly second in importance to the finances. This system has gradually grown up to its present magnitude within the last fifteen years. The internal improvements of Pennsylvania now consist of the following number of miles in actual operation, to wit: 608¼ miles of canal and slack water navigation, and 118 miles of rail roads, making together 726¼ miles completed, and now in use. 207¾ miles of canal and slack water navigation, have been commenced, and are in a state of considerable progress.

The following number of miles have been suspended, after expenditures to some amount had been made upon them, to wit: forty-seven miles of canal and slack water navigation, and twenty-two miles of rail road.

I beg leave to refer you to the message which I had the honor to transmit to the last legislature, on the 26th January, 1839, as containing a full and explicit exposition of my views on the general subject of our internal improvements, and to the report of the canal commissioners, for a detailed statement of the operations upon them, during the past year, together with their condition at the present time. It is due to those officers to state, that, their duty has been performed with much ability and efficiency, and that their opinions and recommendations are entitled to respectful consideration. On this occasion, I will merely refer to such facts and considerations, connected with this subject, as appear to me to be essential to the proper understanding of its nature and bearing.

The internal improvements of this commonwealth, have been constructed at an aggregate cost of twenty-six and a half millions of dollars:—and when we consider that the surface of our territory is diversified and broken by numerous chains of mountains, and by rivers, to a greater degree than that of almost any state in the Union, we must regard our system of internal communication, undertaken by a community distinguished for its prudence, economy and simplicity of character, as standing without a parallel in modern times. The enterprize and perseverance of the people of Pennsylvania, have enabled them to achieve these astonishing triumphs over the barriers of nature, and the obstacles incident to their condition, more formidable still. The great system originally projected, is almost completed. In its progress, it has been subjected to few other fluctuations, and drawbacks, than arise from pecuniary embarrassments, and from those errors of judgment, and accidents of legislation, that are to be naturally expected, from the want of experience on the part of those who directed its operations, and from the numerous conflicting local interests that prevailed in the legislature. On the whole, though some works have been undertaken of doubtful policy at the time; though large sums of money have been expended on some which ought never to have been commenced; and though the cost of those of unquestioned utility, has been far greater than it would be, if the same work was to be done under all the advantages of our present experience, we have yet perhaps as much cause to be surprized at our good, as at our ill fortune.

In a former part of this message, I have fully explained our present financial embarrassments. I have stated the amount of money that must be provided to meet the unavoidable demands on the treasury, for the ensuing year. Our condition forbids the under

taking of all new works, and emphatically inculcates the most careful husbandry of our resources. In addition to the payment of the interest on the public debt, and providing for the payment of a loan falling due, a million of dollars, at least, will be needed for repairs, during the present year; for a satisfactory explanation of which, I refer you to the report of the Canal Commissioners. In view of this state of things, the question is distinctly presented to the legislature, whether the works now in progress of completion shall or shall not, be finished at the present time?

On these several lines of improvements, the following sums of money have been appropriated and nearly expended, viz:

Erie extension, ...	$1,566,666 66
North Branch extension, ...	1,346,666 66
Wiconisco feeder, ...	210,000 00
Road to avoid Inclined Plane at Columbia, ...	199,000 00

By most careful estimate of the cost of completing these several lines, the following sums will be required, in addition to the appropriations already made, viz:

For the Erie extension, ...	$2,114,527 85
For the North Branch extension, ...	2,181,635 54
For the Wiconisco feeder, ...	166,195 43
And for road to avoid inclined plane at Columbia, ...	91,144 97

From this statement it is evident, that should the legislature determine to suspend the completion of these works, the sum of $3,322,333.32 expended on them, will be lost; or should it be determined to proceed forthwith to the completion of them, the sum of $4,553,503.79 will be required for that purpose. Upon a full consideration of all these circumstances,

together with the additional fact, that these respective works will be worthless, till the whole of each is finished, it is for the legislature to decide, what course sound policy and official duty call on them to adopt. The whole of these lines might be completed, if sufficient money be appropriated at this session, within two years; and a portion of them, during the approaching summer.

In addition to the foregoing works in a state of progress, the following have been suspended by the legislature, after expending on each, the sums respectively set down, viz:

Gettysburg rail-road, ...	$656,666 67
Sinnemahoning extension of the West Branch canal, ...	164,000 00
Allegheny feeder, ...	30,000 00

It will not, I presume, be thought advisable by any one, to recommence any of these works under existing circumstances. The first has, most probably, been suspended forever.

I took occasion in both my inaugural address, and in the message of the 26th of January last, before referred to, to announce it clearly as my deliberate opinion, that after the completion of the works then in a state of progress, and so far advanced as to render it less wise to supend than to prosecute them with vigor, it would be time to pause in our career, and wait the further extension of our improvement system, till we could judge of it by its fruits. The experience of the past year, has greatly strengthened this opinion, and satisfied my mind beyond all doubt, of the manifest impolicy of undertaking any new works, whatever, at the present conjuncture. I deem it an act of simple justice to the legislature to apprise them that this is my thorough conviction of duty.

Should the legislature think proper, to prosecute the works now in progress to immediate completion, I respectfully suggest the propriety, of providing, at once for the whole amount required, so as to enable the canal commissioners to execute them in the speediest and cheapest manner; and also, I would further suggest the mistaken policy of postponing the passage of so important a bill, as that for prosecuting and repairing the public improvements, until the close of the session. Much is lost by the delay, and nothing gained. By this procrastination not only is valuable time lost, but bills are sometimes necessarily permitted to become laws, that do not meet the entire approbation of all departments of the government, whose duty it is to sanction them. Such was the case with the act of the 19th July, 1839, entitled "An act to provide for the repairs of the several lines of canal and rail road, and to continue the improvements of the state." That very important bill, did not pass, until the last day of the session of the legislature, and it was not presented to me for my signature, until the legislature had actually adjourned, sine die. Had it been presented to me during the sitting of the legislature, I frankly say to you, it would not have received the Executive approbation. But when it came into my hands, there was no remedy: I was compelled to make a choice between what I regarded as evils, either to refuse my assent to it and suspend the prosecution of public improvements, not only those in course of construction, but to arrest those in a state of use,—or to approve of it, although conferring certain highly objectionable powers and privileges on the banks taking the loan authorized. I held it under consideration for nearly a month, and was finally induced to sign it, in order to prevent the serious evils that would have resulted to the business of the country, and the character of our public improvements, had there been no

provision made to repair and continue operations on them at all. The same paramount consideration also induced me to take the loan authorized, from the Bank of the U. S. of Pennsylvania, which institution, as was to be supposed, would seek to avail itself of any advantage the legislature had bestowed on those who furnished the loan. Every other expedient to procure money was first tried. The usual advertisements for the loan produced no bidders,—letters addressed to all the banks in the city of Philadelphia, had no better success. In this emergency, the only alternatives presented, were either to suspend operations on all our improvements, stop the locomotives and draw the water off the canals, or to obtain the loan authorized by the bill, from the Bank of the United States. I reluctantly adopted the latter, believing it to be, as a question rather of expediency than of constitutional principle, more conformable to my duty, than the former.

To afford, hereafter, a reasonable opportunity to the Executive, as well as to the two houses of the legislature, to consider and decide upon whatever bills relative to the public improvements and to loans may pass those bodies, I hope they will be presented to me in time to act in concert with them, or to enable them to judge for themselves, in their constitutional capacity, whenever the provision of such laws do not happen to meet my entire approbation. Thus only can the independence of each department be preserved, without doing so at the expense of the public interests, and thus alone can the responsibility of each to the people, be rigidly enforced, without casting a portion of it on the other. I shall never shun any responsibility, whatever, that justly devolves upon me, but I do not desire to be placed in a situation, as a public officer, where I must approve or disapprove of particular measures, not on the ground of their intrinsic

merits or demerits, but because, by the action of a co-ordinate branch of the government, I have been precluded from a free and unfettered course of conduct. This certainly does not accord with the true spirit of our government.

Keeping in view these various circumstances and interests, the question is presented to the consideration of the legislature, how is the money to be procured, to pay the interest on the state debt; to meet the several loans falling due; and to defray the other necessary expenditures of the commonwealth? However formidable the difficulties we must encounter, there is no avenue of escape from these responsibilities left open to us. We must meet them without shrinking, or postponement. The sum of $2,000,000, must be obtained for the ensuing year, and perhaps an equal amount for the year following. By the sale of the stock held by the commonwealth in the Bank of Pennsylvania, Philadelphia Bank, and Farmers' and Mechanics' Bank, the sum of two millions, one hundred and eight thousand seven hundred dollars may be realized, but it will require time to carry this operation into effect. The sum of $600,000 must be had on or before the first day of next month, and the balance during the remainder of the year. Nothing can be expected from other sources—even new loans would, perhaps, fail to answer the purpose in the present exigency. What then remains to be done? My own deliberate opinion is, that, resort to taxation, provided that it shall be so regulated as to bear with as little hardship as possible on the people, is the only possible remedy to extricate the commonwealth from the embarrassments by which we find her surrounded.

In stating to the legislature the general resources of the commonwealth, I feel it to be my duty to refer you, without recommending it, to another remedy, which may put the evil day off for a time, should the

legislature think proper to adopt it. By the act incorporating the Bank of the United States, that institution is bound to loan to the commonwealth, at four per cent. interest, six millions of dollars whenever required by law. It will be for the legislature, after examining into its conduct and condition, if taxation be deemed impolitic, to determine whether this sum shall be called for from that bank—and if so, to appropriate the same specifically, to the payment of the interest on the state debt, and to the immediate completion of the main lines of canal under contract, and in a state of forwardness, and to no other purposes whatever. In expressing my own opinion in favor of a resort to taxation, I do it with no inconsiderable degree of reluctance; but it must be obvious to every citizen of the commonwealth, that his house, his farm, and his property are all pledged, beyond possibility of release, to the ultimate payment of the state debt, and the interest thereon accruing, agreeably to the stipulation with the loan holders. Nor is this the worst view of our situation. The state has been actually compounding, for years past, from a million, to a million and a half of interest annually; and the question is now submitted whether we are thus to continue adding half yearly, this enormous amount of interest to the principal of our state debt, and continue in this pusillanimous course of policy, from year to year, of shuffling off the evil day, and entailing this frightful legacy on posterity. It is a reproach on the people of Pennsylvania to suppose they can be longer kept in the dark, in regard to the situation in which we find them. All they want to know, to ensure a ready compliance with this indispensable call upon their patriotism, is to know the necessity of the measure. The experience of more than half a century, fortifies me in the belief, that the good sense of the people of this great commonwealth, is rarely appealed to in vain.

In assuming the responsibility of recommending this measure, I am fully sensible of what is to be encountered, and aware of the consequences that are to follow; and if in this expression of the honest convictions of my own mind, and the fearless discharge of the duties incumbent on me, I shall not be borne out by my fellow-citizens, I shall at least have the consolation to know, that I have done that which I conscientiously believe to be right, and which I think will bear the reflection of after years. The time for evasion is gone; the public mind has been too long fed with miserable expedients. The time for action is at hand. Our country expects every man to do his duty, and he that has not nerve enough for the crisis, should give place to those better fitted for the emergency. Neither the present legislature, nor myself, had any thing to do with contracting this debt,—it is fixed on us by those who have gone before us; and the same rule of prudence and sound policy, that would govern the conduct of a private individual, holds equally good in the case of the commonwealth, under this state of things. The private individual would tax his industry and his property, to the utmost, to pay off a debt, and the interest upon it, that was consuming the avails of his industry and his substance—so, also, it seems to me, should the representatives of a wise and judicious people. Taxation would pay the interest—it would eventually constitute a sinking fund to pay off the principal of the state debt, and should be continued till the income of the public improvements would render longer taxation unnecessary. The crisis demands the exercise of the most far-reaching sagacity—the calmest judgment, and the most fearless patriotism. I am sure the legislature will meet it in the right spirit, to disarm it of its perils. Coming, as you do, from all quarters of the state, and possessing a more intimate knowledge of the circum-

stances and wants of the people than I can, I most cheerfully surrender this important subject to you, satisfied that prudence and justice will direct your action upon it.

Among other subjects, of much importance to the people, that will claim your attention, is the creating, renewing, and supervising of corporations. These institutions, in a great measure the contrivance of modern times, have become within the last half century, multiplied to an extent never dreamed of before. There is scarcely any branch of business, or pursuit of life, into which they have not, directly or indirectly, entered. Corporations may be divided into two general classes,—those established for public purposes—and those for purposes of a private nature. There is another species of corporations, including banks, &c., that partake of the nature of both of these classes, but being mainly established to promote individual interest, they belong essentially to the second. The first class, consisting of those for religious purposes, as churches, for the promotion of the arts and sciences, as colleges, academies, medical universities, &c., &c., &c., for purposes of internal communication, as turnpikes, bridges, railroads, canals, &c., &c., and in short, for all great purposes of public utility, to the attainment of which, individual means and exertions are wholly inadequate, doubtless under proper and judicious regulations, subjecting them to the control of the legislature, are to be encouraged and sustained. The other class, embracing those principally established for purposes of a private nature, ought either not to be increased in numbers at all, or only when imperative necessity demands it—and then, under the most inflexible guards and restrictions.

Legislation has, within the last few years, departed widely from that republican simplicity that ought to characterize a free government. Privileges belong-

ing to all the citizens alike have been specially delegated to small associations; a few persons collectively have been invested by acts of assembly, with powers and immunities denied to the rest of the community, and thus have numerous monopolies been created, not only to rival but to trample down all individual efforts and enterprise. The creation of one corporation has been the signal for creating others as competitors, until the system has reached a point that calls on the legislature to pause. It may be improper to interfere with those already in existence, unless their own misconduct requires it, or experience shews that the security of the public good calls for such interference. It is high time, however, that the system itself on which they were created, should be brought within the wholesome influence of reform. Let the increase of corporations hereafter be limited to cases of undoubted public utility, where individual capital and enterprise are insufficient to accomplish the object intended, and let the power of the legislature to control or abolish them, be at all times expressly reserved. A system resting on opposite principles, must eventually transfer nearly all the powers and authorities of the legislature, as well as the business of the people to corporate bodies, and thus silently but effectually achieve a revolution in our civil relations; for if the obligations of men, may be converted into those of a limited and artificial nature, instead of a direct personal responsibility, it is manifest that the very elementary principles of society are changed. We shall be constrained under such change, to reach the citizen, not by the immediate personal process of the law, but by its clumsy indirect application to him in an ideal state of existence, created by legislation and rendered independent of the usual responsibility of the members of society. This is the condition of things, complicated and clogged by corporate excep-

tions and privileges, towards which our recent system of legislation on this subject, has been hastening us, and at which we shall sooner or later arrive, unless it be abandoned. Events that have transpired around us within the last few years, have justly awakened us to our true situation. The lessons of experience will not surely be lost.

The subject of education has necessarily and properly occupied much of the time and attention of our legislatures to enable them to carry out the constitutional injunctions on that subject; and we have in operation a system which, although by no means perfect, is, certainly equal to that in force in most of our sister states. It still needs those improvements which experiences pronounces necessary to cure its defects. The principal inconvenience now experienced in the system, is the want of competent teachers; who should be Pennsylvanians in habits, education and principles. This want will probably be continually felt, until the inducement of more adequate compensation shall be offered, and when the higher qualifications required in teachers shall elevate them to that proper rank and estimation in society, which the instructor of youth should always occupy.

We are also in need of a proper system of school books, to be used in our schools, and which should be composed by competent persons for the instruction of the youths of Pennsylvania. Such a course as would tend properly to impress our youth with a due regard for our commonwealth, and endear her to their hearts. —Her position, wealth and intelligence; the admirable and free system of her laws; her unwavering patriotism and devotion to republican principles; her distinguished philanthropy and benevolence, entitle her, in a pre-eminent degree, to the love and veneration of her children, who should be early taught properly to estimate her great characteristics.

Our colleges are in successful operation, and by the aid afforded them, from the treasury of the commonwealth, are accomplishing much good. Our county academies are, from the same source of aid, affording the advantages of the higher branches of elementary education, in almost every county in the state, to such as seek to fit themselves for entering our colleges; and by no means the least important institutions, connected with the education of youth, are the female seminaries, which, of late years have been springing up over the commonwealth, and are likewise the objects of legislative bounty. The importance of female education, will always be sensibly felt upon the rising generation; and mothers well instructed in the ordinary branches of education, will seldom suffer their children to grow up in ignorance. With intelligent mothers, followed and seconded in their efforts, by competent and well instructed teachers, we shall soon see an intelligent and well informed population filling our beloved commonwealth, and giving her, in an intellectual point of view, that rank and station to which she is justly entitled. I shall be glad at all times to co-operate with the legislature, in any proper measures calculated to improve the moral and intellectual condition of our citizens, as we, thereby, rear the most enduring pillars for the support of our political edifice, in all its strength, beauty and grandeur.

The report of the superintendent of common schools, will inform you of the operation of our common school system in its details, with his views in regard to the improvement of the system, and the best means of accomplishing it.

The amended constitution was adopted by the people upon the 9th day of October, 1838. It provides for a new mode of appointing the judges of our courts, and changes their tenure from that of good behavior, to a term of five years if they, shall behave themselves

well. There is a marked difference in the language of the schedule to that instrument, when speaking of the judges of the supreme court, and the other judges of the commonwealth. The former were to be graded, as to the expiration of their offices, by the dates of their commissions upon the 1st day of January, 1839. Vacancies in other judicial stations, occurring after the adoption of the amendments, and before the 1st of January, 1839, were not provided for by that instrument, "as no commissions were provided for, or continued in force by it, excepting such as were in being at the adoption of the amendments to the constitution." Consequently, all appointments made of such judges, between the 9th of October, 1838, and 1st January, 1839, only endured until the latter day, and were then annulled by the new constitution going into effect, except where otherwise provided for in that instrument.

It is always a subject of regret, to see management made use of, to defeat the expressed will of the people, and it is seldom successful. Shortly before the 1st of January, 1839, two of the president judges of judicial districts resigned their offices, and were re-commissioned on the day following their resignations, to hold their offices "so long as they behave themselves well." I deemed it my duty to direct proceedings to be instituted in the supreme court, against them. One of them died pending the proceeding, and the other was ousted by the judgment of the court, and his place has been supplied by a new appointment.

In relation to the associate judges, there were numerous instances of resignations, between the adoption of the amended constitution, and the 1st of January, 1839, and others were commissioned, in their places to hold during good behavior. According to the decision of the supreme court in "The Commonwealth vs. Collins," these commissions expired on the

latter day,—and there were two instances in which appointments were made on the 14th of January, 1839, by and with the advice and consent of the senate, to fill vacancies occasioned by resignations made on or after the 1st of January, 1839. The commissions for these two judges were issued to hold their offices for five years, if they so long behaved themselves well. The whole proceeding I have always treated as a discreditable attempt to tamper with, and give political character to the judiciary, and has no parallel in the history of our country, but in the memorable appointments known as the "midnight judges," made on the third of March, 1801. The object of the proceeding, undoubtedly, was to prevent the classification of the associated judges which the constitution contemplated, and if so, was a fraud upon the people of the commonwealth. I beg leave to call the attention of the legislature to the facts, and if their views shall coincide with mine, I think sound policy, as well as sound morality, requires that a supplement should be passed to the act of 20th June, 1839. classifying the associate judges, by which provision should be made, that all associate judges, commissioned since the adoption of the constitution on the 9th of October, 1838, should only hold until the time when the commissions of the persons in whose places respectively they were appointed, would have expired. Every thing like management in the appointment of judges to prolong their terms, contrary to the obvious meaning and intent of the constitution, should be discountenanced, as calculated to undermine and shake public confidence in the integrity of the judiciary.

Since the executive department of the government has been committed to my hands, all vacancies which have occurred in the offices of associate judges, except during the recess of the senate, have been filled by commissions to expire when those of their prede-

cessors would have expired, under the amended constitution. This, I apprehend, is the precise meaning and intent of the constitution, otherwise the classification directed by that instrument, could be broken up and defeated, at the will and pleasure of the executive.

The only office remaining in Pennsylvania, in which the tenure is limited by good behaviour alone, is that of notary public, authorized by the act of assembly passed 5th March, 1791. As all offices of that tenure provided for in the constitution of 1790, have been abolished by the adoption of the amendments to that instrument, a regard to consistency would seem to require, that there should be no statutory office of an unlimited duration as to tenure. The number in each county, except Philadelphia, being limited by the provisions of the act, to three, and some of the number being now superannuated, or otherwise incapable of discharging the duties of the office, and towns and villages have sprung up, requiring frequently the services of a notary public, where appointments cannot be made without exceeding the number limited to the county, legislative on the subject appears to be necessary.

On the 16th day of June, 1836, an act was passed entitled "An act to fix the number of senators and representatives, and form the state into districts, in pursuance of the provisions of the constitution," which provided for the election of thirty-three senators in twenty-three districts, into which that act divided the state. The whole number of taxables in the state, as returned to the Secretary of the Commonwealth, was 309,421—which, fixing the representatives at 100 and the senators at 33, would entitle 3,094 taxables to a representative, and 9,376 to a senator. There have been, uniformly, great complaints of the inequality of representation under this law, both as to the senators

and representatives, and in regard to the latter, there was a positive violation of the constitution of the commonwealth. By the 4th section of the 1st article of the constitution of 1790, which remains unaltered, it is provided that the apportionment shall be made "among the city of Philadelphia, and the several counties, according to the number of taxable inhabitants in each," and that "each county shall have at least one representative, but no county hereafter erected shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to a separate representation, agreeably to the ratio which shall then be established." Agreeably to the return made as aforesaid, the number of taxable inhabitants were, in the county of Bedford, 4,712—in Bradford, 4,721—in Columbia, 4,818—yet to the first named county, having the smallest number of taxables, two members were given, while to each of the last named counties, having a larger number of taxables, but one member is allowed; and the same palpable and unwarrantable violations of the constitution, characterize many of the other apportionments made by said act. Nor is this all:—the county of Mifflin was in existence, as a county, when the constitution of 1790 was adopted, and was entitled to a representative in the legislature which by this act was not allowed to her; but she and Juniata county, which had formed part of her territory, are coupled in a district with the county of Union. It is therefore respectfully submitted, that a due regard to the provisions of the constitution, and the rights of the people, imperiously require the enactment of a law for a new apportionment of the representatives and senators, according to the number of taxable inhabitants.

In Pennsylvania it has often been a source of complaint, that the decisions of our supreme court are not

reported by a regularly appointed reporter. It may be worthy of inquiry whether some provision ought not to be made by law, for regulating the manner of reporting those decisions, by an officer who shall be responsible to the commonwealth, for the manner in which the work shall be performed.

The number of cases taken up on writs of error, and by appeal from the inferior courts to the supreme court, has greatly increased of late years. An inquiry into the causes which have induced this increase, as well as what means had better be adopted to enable the court in the last resort, to decide with due care and deliberation, all the cases of sufficient importance to be brought before them, my be productive of much good to the administration of justice.

There are some parts of our system of administering justice, which will perhaps require legislative action, in order to correct evils existing in practice, and daily felt by suitors and others interested in their proceedings.

The present organization of the courts, in the city and county of Philadelphia, does not seem to answer the purposes intended. The vast increase of business thrown on the courts of civil jurisdiction, by the act of 14th April, 1834, giving them almost as unlimited equity powers as the courts of chancery elsewhere possess, as well as the increase growing out of the augmented population and business of that city, and its adjoining districts, have overloaded their dockets with causes, which the judges by their utmost industry cannot keep down. Something should be done to prevent the delay now experienced by suitors in those courts, and what the corrective should be, is submitted to the legislature.

The court of criminal sessions of the city and county of Philadelphia, also, requires that legislative attention should be called to it. It possesses, now, an

anomalous character, and only exercises a part of the criminal jurisdiction of that city and county. The whole criminal jurisdiction could, perhaps, be better vested in the court of oyer and terminer and general jail delivery, and court of quarter sessions of the peace; and a court of civil jurisdiction created for the purpose, could exercise all the powers now exercised by the court of common pleas, and perhaps dispose of part of the business which now accumulates in the district court. Such a course, by a better distribution of the duties of the court, would add nothing to the present expense, and would probably correct the evils and unnecessary expenses, now incurred by a defective organization and arrangement.

There, is, however, another subject to which I beg leave especially to call your attention. In certain counties in Pennsylvania, attempts have been made to tamper with the jury box, and give a political aspect to the selection of persons for jurors. This is an evil which should not for a moment be tolerated. The trial by jury is one of the invaluable rights of freemen, and the attempt to give a party character to the selection of jurors, unless promptly checked, will ultimately destroy all confidence in the tribunal. Let provision be made by law to preclude the possibility of encroachment on this most wise and venerable of all human and social institutions, and protect this long boasted bulwark of liberty, from prostitution to the basest purposes. One of the causes specially assigned for our Declaration of Independence, was the "depriving us of the right of trial by jury." Vain, indeed, have been the efforts of the sages of the Revolution to restore this valuable right, if we silently look on and permit it thus to be wrested from us. Every state in the Union has emphatically engrafted on her constitution "that the trial by jury shall be preserved for ever inviolate." No one is safe in his life, his lib-

erty, or his property, in this state of things. I therefore respectfully recommend, that it may be made the duty of the judges of the courts of common pleas, or some two of them, and the sheriff, annually to select the jurors in open court, and that the drawing of the same, from time to time, shall be by them also done in open court; or that such other provision be made by law, as you in your wisdom shall think best, to restore public confidence to the exercise of this venerated and dearly cherished right, and to preserve the purity of the trial by jury from suspicion.

There are many instances in which the laws relative to collateral inheritances have not been observed and in which the payment of considerable sums of money, rightfully belonging to the state, is evaded. It is, therefore, respectfully suggested, that the registers of wills be enjoined by law, to inquire of all executors and administrators, on oath, at the time of granting letters, whether the state of their testator, or intestate, will be, in their opinion, the subject of the laws relative to collateral inheritances, and that the register give notice of all such to the attorney general, or his deputy, whose duty it shall be to make a record thereof, and enforce the collection, from time to time, of the moneys arising therefrom.

The militia of the commonwealth are enrolled as required by law, with the exception of some portions of the state, in which difficulties exist in procuring officers to perform that duty. The militia system is a tax to a considerable amount upon the state treasury, which might be considerably lessened, if the adjutant general were charged with the duty of personally superintending the system in its details, and properly compensated therefor. Legislative attention is requested to this subject. The due enrolment, officering and classification of the militia, should be continued, and encouragement held out to volunteers,

and the days of militia training might be advantageously reduced to one in the year.

Nothing has occurred, since the meeting of the last legislature, to disturb or affect the relations of Pennsylvania, as a member of the Union. The government of the United States has continued to be administered by the wise and distinguished statesman at its head, with his accustomed ability and fidelity. In the high and responsible position which he occupies, he has fully justified the best hopes of our citizens, by whose free suffrages he has been elevated to the station which he so well fills.

By the act entitled "an act relating to the elections of this commonwealth," approved 2d July last, no provision appears to have been made for the election of a senator, to represent this state, in the senate of the United States, at any other time than on the second Tuesday in January, next preceding the expiration of the constitutional term of a senator, unless informed by the governor that a vacancy exists. By reason of which, I have supposed it proper to inform you that a vacancy does exist, in the representation of this state, in the Senate of the United States.

By the terms of the loan negotiated with the Girard Bank, on the 20th March last, for $1,280,000, the sum of $380,000.00 for repairing the breach on the Juniata division of the canal, was to remain in the bank until drawn for, after the vouchers of the disbursing officer should have been examined and approved by a joint committee of three members from each branch of the legislature, agreeably to the provisions of the act authorizing the loan. The joint committee, having been appointed at the time, there was every reason to believe the accounts would soon be adjusted, and the money applied. I therefore did not hesitate to embrace the offer to take the loan with that condition annexed, inasmuch as the commonwealth was then

much straightened in her fiscal affairs, for want of the residue of the money, and no other offer being made. But, by the subsequent action of the legislature, in a joint resolution passed at the close of the adjourned session, and approved on the 2d of July, last, so much of the act of the 9th January, authorizing this loan, as requires those accounts to be settled by the joint committee, was repealed; and authority was given to the auditor general to settle and adjust the same, and requiring him to draw his warrant in favor of the Bank of the United States, and the Harrisburg Bank "for such amounts as he shall find to have been fairly expended in repairing said breach."—Such have been the difficulties, however, encountered by that officer in attempting the settlement of those accounts, that he does not feel himself warranted, by the terms of said resolution, in drawing in favor of those banks, for any part of the money; the facts and circumstances in relation to which, will be laid fully before you by that officer. I respectfully ask the early attention of the legislature to this subject, that the necessary provision be made by law to arrest the further accumulation of interest on the money, that may eventually be found payable to said banks.

In pursuance of the provisions of the act of July 2d, 1839, relating to the claims of the commonwealth against the estate of John Nicholson and Peter Baynton, a commissioner was appointed to perform the duties therein required.

From the nature and extent of the investigation, and the limited time allowed to make report, it was impossible for the commissioner to examine into and ascertain the various complicated and important matters enjoined on him, within the period allotted. By reference to his report, which will be laid before you, it will be seen that the outstanding claims of creditors (other than the state), against the estate of John

Nicholson, amount to upwards of thirteen millions of dollars, including interest till the 1st of April, 1839; that the balance due the commonwealth on the same day was $278,179.57, and that the estate of Peter Baynton on that day owed the commonwealth $58,-913.95.

By the 8th section of the act above mentioned, all former laws in relation to the sale of the lands of Nicholson and Baynton are suspended; hence it may be worthy of consideration whether some additional legislation should not be had, to relieve all parties concerned from their present embarrassment. The great length of time which has elapsed since those debts were contracted; the fact that many of the lands have been held for a number of years by actual settlers, and a large portion of the residue sold for taxes; the immense sum of outstanding debts against John Nicholson, as well as the claims of his heirs, all urge the necessity of a speedy settlement, as the title to immense bodies of land, in various parts of the state, depend upon the adjustment of the conflicting claims of creditors and landholders.

I would therefore respectfully, recommend the passage of a law authorizing the commissioner, under such restrictions as may be deemed advisable, to compromise, adjust, and settle the claim of the commonwealth with actual settlers and others, claiming title to the lands, on which the state has a lien, in such manner as not to prejudice or affect the rights of others.

It is highly important to the commonwealth, that the doubt and uncertainty in which the title to those lands is at present involved, should be removed without further delay. I have accordingly deemed proper to call your attention to the subject, in anticipation of the commissioner's final report.

By the act of the 29th March, 1836, a geological survey of the state was authorized, and the sum of

$6,400, was thereby annually appropriated for that object, for five years. A supplement to this act was passed on the 21st March, 1837, authorizing an increase in the corps, and appropriating the further sum of $3,600 per annum, to the appropriation made by the act of 1836—and by an additional act passed 13th April, 1838, the further sum of $6,000 per annum was added to the appropriations for this object, "in order to complete the geological and mineralogical survey of the state more rapidly." In pursuance of these acts, the state geologist, with the assistants, authorized by the acts stated, has been engaged in the mineralogical and geological survey of the state, and considerable progress has been made in the work, which it is hoped may be completed within the time contemplated by law. The reports already made by that officer, with that which he will present at the present session, will exhibit the amount of the work done, and, to some extent develop the mineral treasures of the commonwealth, which have become sources of immense wealth and trade.

The coal and iron trade of Pennsylvania, are more valuable, as sources of wealth and employment, than mines of the precious metals are in countries where they are found. They furnish investments for large amounts of capital—give constant employment to numerous operatives; and under ordinary circumstances, with prudent management, yield a certain and regular profit to all engaged in the business. They pay a large proportion of the tolls upon our public improvements, and constitute the most important share of freight for those engaged in transportation upon our canals and rail roads, as well as for numerous vessels engaged in the coasting trade. The value of coal and iron must necessarily be much enhanced by the recent successful application of anthracite coal for smelting iron ore, which will in all probability introduce a new

era in the iron business in our commonwealth. Should the experiment become generally successful, of which little doubt is entertained, it will save us the necessity of importing large amounts of iron for railroads, as well as other purposes, which Pennsylvania, in that event, would be able to furnish in abundance, not only for her own use, and that of her citizens, but for a large portion of her sister states. Possessing as Pennsylvania does, the great bulk of the iron ore, and anthracite coal formation of this country, in alternate strata in the same territory, and situated in the same quarter of the Union, peculiarly accessible by means of her geographical position and canals and rail roads, she must enjoy almost exclusively, the great revenue that will arise from this source. A large portion of our public debt abroad, was contracted in the purchase of rail road iron, which would have been obtained in this country, if it had been possible to procure it here. It is confidently believed, that the coal and iron fields of this commonwealth, will hereafter furnish a cheap and adequate supply, and if so, there is every reason to think, that the numerous rail roads, in nearly the states of the Union, that have been either suspended or contemplated, will in a few years go into operation. The business on our public improvements as well as the permanent mass of the wealth of the people of this state, must thus be immeasureably increased.

Much of the time and attention of the legislature is annually occupied in the consideration of private matters, and the interests of the commonwealth are sometimes sacrificed to the importunities of individuals. This has been peculiarly so in cases where the canal commissioners, as well as the board of appraisers, have passed upon the claims of individuals for alleged damages, by reason of the construction of public works, as well as where the canal commissioners and engineers have estimated the amount of work done by contractors. Upon these, as well as upon

all other subjects, steadiness of legislation is very desirable, and general rules and general systems should not be made to yield, unless under very peculiar circumstances, indeed, to the exparte statements or representation of interested individuals. There is necessarily much evil and great want of security in much special legislation. The increased population and business of the commonwealth, and the late period in the winter at which the legislature assembles, will, it is hoped, lead to the adoption of such general rules on the subject, as will save the legislature from being continually occupied with minor matters.

The expenditures of the administration of the government of the state, have been much increased of late years, and in no department so much as that of the legislative. While the increase of business and population furnish a sufficient reason for a gradual and corresponding addition to the expenses of the executive, judiciary and treasury departments, it is hard to account for the expenses of the legislature, which have advanced since November, 1835, in a ratio unparalled in the history of the government. It will be found upon reference to the reports of the treasurer and auditor general, that the expenses of this department, for a number of years prior to November, 1835, were about one hundred thousand dollars, and are now upwards of one hundred and sixty thousand dollars annually. The public good requires a rigid system of retrenchment and reform, which, while it will allow to faithful public servants, an adequate compensation for the time and talents devoted to the public, will lop off all wasteful and unnecessary expenditures in every department. I throw out these suggestions from no wish to dictate to the legislature, but in a sincere desire to have all alleged abuses investigated in a spirit of candor and a patriotic devotion to the public good, with a view to correction, wherever correction shall be found necessary.

On a candid review of the entire condition of this commonwealth, although we find her laboring under the pressure of an enormous state debt, heightened by all the incidental embarrassments arising from the payment of the interest upon it, and the monetary derangements attending it, that have shaken the credit of this state, and of the sister states, to its foundation, yet there is no cause for despondency or fear. Prudence, discretion and economy, on the part of her legislature, her executive, and her citizens, will in a few years replace her on the solid footing of pecuniary independence. The industry and energy of her people, reaping wealth from her rich fields of agriculture, disemboweling it from her hills and mountains, and transporting it to market on her rail roads and canals, cannot be shackled with any pecuniary responsibilities that can, for any considerable period, mar her prosperity or retard her march onward to greatness. We have fallen, it is true, on one of those temporary reverses, that come upon all nations in the progress of advancement, when delusive systems of public prosperity explode under the test of their soundness, and from the consequences they produce, leave men in wonder that they lasted so long. It requires, however, but the exercise of a reasonable degree of wisdom, firmness and honesty, in the present crisis, to rescue the affairs of the commonwealth from the difficulties by which they are at present beset, however formidable those untoward circumstances have made them appear. Let all who look upon her with a jealous, or a friendly eye, be told that her ability is ample to meet all her engagements; that the determination of her citizens to do so, corresponds with her ability, and that happen what may, the integrity and fidelity of the people of Pennsylvania are pledged to make good her contracts with those whose money has constructed her stupendous public

improvements, and that the pledge so made shall be scrupulously redeemed.

I cannot close this communication, without expressing the full reliance which I place in the wisdom and intelligence of the legislature—and the great pleasure which it will afford me, to be able to approve and execute those enactments which you will find it necessary to make for advancing the interests and prosperity of our free, beloved and patriotic commonwealth.

DAVID R. PORTER.

Harrisburg, January 8, 1840.

To the Assembly Vetoing a Bill Entitled "A Further Supplement to the Act to Incorporate the Cumberland Valley Railroad Company."

Gentlemen:

I RETURN TO THE SENATE IN WHICH IT ORIGinated an act entitled "A further supplement to the act, to incorporate the Cumberland Valley Rail Road Company," together with my reasons for not signing the same.

It is provided by the second section of said act, that the right of the Commonwealth to regulate the tolls of the said company, shall not be so exercised, as to reduce the nett income of the stockholders, to less than nine per cent. per annum, on the capital expended, and the right of the Commonwealth to purchase said road, shall not be claimed before the expiration of forty years from the passage of this act. The Cumberland Valley Rail Road Company was incorporated by an act, passed the 2d of April, 1831, which said act was revived and continued in force, by the act of 15th April, 1835, and was further altered and amended by

the act of 2d February, 1836. This Rail Road extending from the borough of Harrisburg to the Borough of Chambersburg, on the direct route between Philadelphia and Pittsburgh, constitutes an essential link in the chain of continuous railroad communication contemplated at some future day, as a connection of those two important cities. The Legislature has manifestly regarded this communication, as one of great moment to the public and has provided as far as practicable, to retain its entire unshackled control over the intervening portions of the route.

Provision is made, by the 5th section of the act of 2d February, 1836, to authorize the Board of Canal Commissioners and the President and Directors of said Cumberland Valley Rail Road Company, and the Harrisburg, Portsmouth, Mount Joy, and Lancaster Rail Road Company, on the completion of said roads, to make such arrangements and regulations on behalf of the State of Pennsylvania, and those respective companies as will establish and secure an uninterrupted communication of trade and travel, between Chambersburg and the city of Philadelphia. It is therefore evident, that the Columbia road, and the roads of those two companies, are all considered as forming, for general practical purposes, but one line of "uninterrupted communication." Nothing would contribute more to break up this communication, than a system of discriminating tolls on each road, and especially if, on any portion of it the rate of tolls was unalterably fixed by law, as high as it is fixed by the present law. It would, in fact, amount to a monopoly in the company, having that power, if its rate of tolls was not not under the same general control of the law, as that which governed all other companies standing in the same relative position to the state improvements. Why does this company fear to trust to the wisdom and justice of the Legislature? It will be both the

interest and the duty of the Legislature to fix the rate of tolls at an amount that will render the road most valuable to the stockholders and the public, because it will be necessarily regulated in a great degree by the tolls charged on the Columbia Rail Raod. I can see no good reason, for agreeing to secure to the stockholders of this company nine per cent. on the money invested, when it may be to the serious detriment of the public interest.

Nor can I see any better reason for debarring the State from the exercise of the right of purchasing this road, for the unprecedented term of forty years from the present time; when by the act of incorporation the time is fixed at thirty years, of which time, more than twenty-one years have yet to run. With this length of time, and the guarantee, that if the State purchases at the end thereof, she must pay for the rail road and appurtenances "a reasonable price and valuation," I should suppose the company ought to be satisfied. It is difficult to conceive a more humiliating spectacle that the State would exhibit, if this bill were to become a law, and she should determine to construct a continuous rail road communication between Philadelphia and Pittsburg, and in the very centre of it, a company was found with irrepealable powers to charge tolls to an amount yielding nine per cent. on the capital expended, which the State cannot purchase, on any other terms than it was pleased itself to dictate, for a period of forty years. It is for the Legislature to say whether this shall be the case. I wash my hands of all such legislation.

DAVID R. PORTER.

January 9th, 1840.

To the Assembly Vetoing an Act to Incorporate the City of Allegheny.

Gentlemen:

THE BILL ENTITLED, "AN ACT TO INCORPORATE the City of Allegheny," was presented to me on the 20th June, last, for approbation Not approving the bill, I return it to the Senate in which it originated, with my objections.

Independent of the objections to creating municipal corporations, which are exceptions to the usual and ordinary mode of conducting Township and Borough affairs, thereby increasing the burdens upon the citizens, there are several specific objections to the bill in question.

The act does not provide a distinct and specific mode of proceeding for the select and common councils, in enacting the ordinances for the government of the proposed city, but speaks in some places of those bodies being assembled "in common council," and in other places of their "several" action in relation to such ordinances.

The proceedings in relation to the opening of streets, lanes and alleys, and the compensation to be made therefor, mentioned in the 13th, and several following sections of the act, would impose upon the County of Allegheny, the entire expense of compensation to the owners of land or lots, for laying out streets, lanes, and alleys for the improvement of the proposed city. I cannot perceive the propriety of making the people of the county, pay the damages which may be assessed.

The 20th and 21st sections of the bill, invest the select and common councils of the proposed city, with power to grant tavern licenses, and take from the Court of Quarter Sessions of Allegheny county, the power which they possess under the act of 11th March, 1834, within the proposed city. The act of 1834, is

general in its provisions, extending over the Commonwealth, and directs the Courts of Quarter Sessions to license only such inns, or taverns, as are "necessary to accommodate the public, and entertain strangers, or travellers," and specifies the kind of evidence which the Courts shall receive of such necessity, and prohibits them from licensing any person to keep an inn, or tavern, unless from such evidence or from their own knowledge, or other evidencee sought for and obtained, they shall be satisfied of the fitness of the person applying and of the sufficiency of his accommodations. The safeguards and precautions thrown around the subject by this act will enable those Courts, to effectually correct the evils resulting to the morals of the community, from the licensing of unnecessary houses or improper persons, if properly carried out in practice by our citizens, in giving the certificates or furnishing the evidence which the act requires. The provisions of the bill now returned to you, do not require the same kind or extent of evidence, which the Courts require in granting licenses. Nor is the body upon whom the duty is devolved as unexceptionable, and as independent of improper influences on the subject, as the Courts: and no good or satisfactory reason has been presented to my mind, for making the proposed city, an exception from the operation of the wise, and salutary provisions of the general law on the subject.

There have been great complaints, especially in our large towns and cities, against the number of licenses granted, even with all the restrictions which the existing laws imposed, and with all the care and caution which the Courts can exercise. But of all the modes ever yet devised for granting licenses, that of conferring it, without check or control, upon bodies of elective citizens, and thus place it, more or less,

under the baneful influence of party politics, would be the most objectionable.

I apprehend the evil would not stop with the present bill, but that various other Boroughs and Corporations, pleading this as an example or precedent, would ask to have vested in them, a similar power, and that the consequences would be, a total want of any general system,—a superabundance of licensed taverns in some districts, and an entire want of them in others; and a clashing of jurisdiction would ensue between our Courts and municipal corporations, from which no good, and much evil must ensue. I believe the power to be most safely placed in the Courts possessing the criminal jurisdiction of the county, who receive from the constables under oath, and can require from other sources such information, as will enable them to ascertain, how the houses licensed are kept, and to take away all such licenses as may tend injuriously to affect public morals. There is also an unusual, and I think decidedly objectionable provision, in the conclusion of the 22d Section, which directs that the fees of the clerk of the select council, of one dollar for each license, shall be paid out of the treasury of the county. Why the County of Allegheny, should be compelled to pay the fees for licenses granted to taverns in the proposed city, is such a departure from the long established law of the land, which requires the applicant to pay his own fees, that I cannot reconcile it with my views of propriety.

The 24th Section confers upon the Mayor of the proposed city, "the same jurisdiction in all civil cases as Justices of the Peace of the county have," &c. I think this is an infraction, at least of the spirit, if not of the terms of the constitutional provisions, in relation to the election and appointment of justices of the peace. I do not think the power can be conferred upon citizens, to exercise the general power and au-

thorities of justices of the peace, except when they are elected and commissioned in the manner provided for in that instrument.

The 26th Section authorizes the select and common council to license, without limit or control, brokers within the proposed city, and to prohibit all others, except those so licensed, from pursuing the business therein. This is an unusual power, and may be liable to much abuse.

The 31st Section, contains the following provision: "That as often as any doubts shall arise touching this act, the same shall in all courts of law and equity and elsewhere be construed and taken most favourable for the said corporation." In monarchial countries such a provision was usually introduced into charters of incorporation, and even were before the revolution, when we were subjected to the proprietary government, such provisions were common. In England, such, in former days, was the rule of the common law, without any such express provision in the charter. The reason assigned was, that every charter granted to a portion of the subjects, was so much power gained back from the crown; and hence they were to be construed most favourable to the subject. But this rule does not hold good in a republic, where the sovereignty remains in the people at large, and where powers given to a few, are taken from the whole. Indeed such has been the multiplication of corporations, and the necessity of changing the former rule, that in England, the rule adopted by the courts at this day, is, that in the absence of any statutory provision on the subject, corporate rights are to be strictly construed against the persons to whom they are granted. It is true that, following the provisions usually inserted during the proprietary government, similar provisions to that quoted in this bill, were sometimes inserted in charters granted in this Commonwealth, subsequently

to the revolution, but of late years they have been generally and in my judgment, properly omitted, and the subject left to the present sound and salutary rule adopted by the courts.

DAVID R. PORTER.

January 9th, 1840.

To the Assembly Vetoing a Resolution Relative to the Milesburg and Smethport Turnpike Road Company, and for Other Purposes.

Gentlemen:

I RETURN TO THE HOUSE OF REPRESENTATIVES in which it originated, a resolution relative to the "Milesburg and Smethport turnpike road company, and for other purposes," which was presented to me for Executive approbation, on the 22d day of June, last, and which I cannot approve, with my objections thereto.

The 1st resolution directs the Governor to draw his warrant upon the State Treasury for the sum of $7,000 in favour of the said turnpike company, to be applied by them in erecting a bridge across the West Branch of Susquehanna, at Karthaus, and authorizes the company to charge tolls thereon, the nett proceeds of which are to be paid into the Treasury of the Commonwealth. It may be that the bridge is necessary for public convenience and the appropriation under ordinary circumstances not improper; and I know of no objections to it, except the exhausted state of the Treasury.—But to the second resolution embraced under the title, I have insuperable objections, and think that the appropriation therein directed of $4.000, to be applied to the erection of a bridge at the north end of Juliana street, on the Raystown branch of

Juniata, at the town of Bedford, is one of the most wasteful and useless expenditures of the public funds which has been proposed in modern times.

By the 4th section of the act of 14th April, 1838, entitled "an act to provide for the repairs and continue the improvements of the State, and for other purposes," it was directed that $2,000, of the dividends coming to the Commonwealth on the stock held in certain turnpike road companies, should be applied to the erection of a bridge over the Raystown branch of the Juniata, at the town of Bedford, where the Bedford and Hollidaysburg turnpike crosses the same. In pursuance of this appropriation of $2,000, the managers of the said Bedford and Hollidaysburg turnpike road company, have actually commenced the erection of a bridge, which it is expected will be completed before the close of the present year.

The resolution now returned to you, proposes another state appropriation for the erection of another bridge over the same stream within only a few hundred feet of the one now being erected; and to which there is no public road leading. There is therefore, no such public necessity for the erection of a bridge in question as should call upon the state for aid under any circumstances, but more especially in the present state of our finances. Should the resolution pass and the second bridge be erected, they would stand as monuments of folly and of wanton prodigality in expending the people's money.

DAVID R. PORTER.

January 9th, 1840.

To the Assembly Vetoing a Resolution Relative to the Claim of James Frazier, and for Other Purposes.

Gentlemen:

I RETURN TO THE HOUSE OF REPRESENTATIVES in which it originated a "Resolution relative to the claim of James Frazier, and for other purposes," presented to me on the 25th June, last, and which I cannot approve, with my objections thereto.

The resolution directs the re-examination and adjustment of the claims of several contractors on our public works on the Erie extension, the Gettysburg rail road and the North Branch, for the losses alleged to have been sustained in the execution of their contracts; and the payment thereof out of the State Treasury. And in fact, directing the settlement of several of those claims to be made without regard to the terms of their contracts, and causing the Com monwealth to make good any neglect, or want of attention in conducting the work, or any mistake of calculation which the parties may have made in entering into such contract.

It also directs the superintendents of certain lines to ascertain the retained per centage withheld from other contractors, and directs the payment to them of the amount from the Treasury. I have not been furnished with the evidence of the justice of these claims, or with any sufficient reason to depart from the usual and accustomed rule adopted by the Canal Commissioners, upon the subject.

It also directs the Canal Commissioners to examine certain claims for damagese, alleged to have been occasioned by certain individuals, by reason of the construction of public improvements, without furnishing any evidence to show that there ought to be any special legislation on the subject. If they have al

ready been decided, no reason has been adduced to me why they should be re-examined.

But there are other provisions still more objectionable. It provides for the payment out of the State Treasury, of a claim for a boat and cargo, said to be lost at Duncan's Island, if the loss were occasioned by the negligence or inattention of the public agent or agents; and directs the Canal Commissioners to proceed to recover the same from such negligent officer, by suit or otherwise. Thus making the Commonwealth an insurer for all persons transporting upon the public works. It also directs another drain upon the Treasury, for the books and stationery of a County Treasurer, and authorizes an allowance from the State Treasury to County Treasurers, in future, for books and stationery for the use of the Commonwealth.

The treasurer in question accepted his office, knowing the compensation he was to receive, and the office of County Treasury, is usually sought after with avidity, and the provision is not necessary to ensure capable officers, or the due performance of their duties. The existing laws allow a uniform per centage for all moneys received for and paid over to the Commonwealth, the allowance is a liberal one, and in my opinion has not been complained of from any quarter. While we are legislating so exclusively for the benefit of public officers and contractors, and for the most part, on their own ex parte statements or representatives, it should not be altogether lost sight of, that this display of liberality is made, not out of our own, but the people's money.

Every section of the resolution contains some unusual and extraordinary draft upon the treasury, and are samples of that hasty inconsiderate special legislation, which too often characterize the close of a protracted session. As every dollar thus squandered must eventually be paid by a state tax to be levied off the avails of the industry, I have determined that

if the doors of the State Treasury are to be thrown open, my hands shall be clear of it.

DAVID R. PORTER.

January 9th, 1840.

To the Assembly Vetoing a Resolution for the Relief of the Union Canal Company and Dansville and Pottsville Rail Road.

Gentlemen:

THE RESOLUTION ENTITLED "RESOLUTION for the relief of the Union Canal Company, and Danville and Pottsville rail road," was presented to me for approval on the 15th day of June last. I have considered the subject with much attention, and an anxious desire to act in concurrence with the two branches of the legislature; but the embarrassed condition of the finances of the commonwealth, constrains me to return this Resolution without my approbation, to the House of Representatives, in which it originated, to state, with great brevity my reasons for this course.

I beg leave to refer you to the state of the finances of the Commonwealth, as exhibited in my annual message transmitted to the legislature at this session, for a full view of the condition of the resources and liabilities of the Commonwealth. I cannot feel myself justified in approving of any measure that involves the expenditure of so large an amount of money as this resolution contemplates, to with, the sum of four hundred thousand dollars, and the addition to our annual expenditures of twenty thousand dollars, the interest on the same. Without expressing any opinion upon the utility and ultimate value of the improvements to which this resolution refers, I may be allowed

to state, that the rich and extensive regions of coal which would be more fully developed and rendered available by the means of this appropriation, constitute so large a portion of the great mineral resources of the Commonwealth, as to induce me to indulge the hope, that the day may soon arrive, when our financial condition will justify the undertaking of this work, should it not be completed by the companies interested themselves.

In my inaugural address, and also in my message relative to the finances, transmitted to the legislature on the 26th day of January last, I stated it as my opinion, that it would be impolitic and unwise to commence any new works of improvement, after the completion of those then in progress, until the receipts from the tolls upon those in use amounted to enough, at least, to pay the interest on the money expended in their construction. The occurrences of the past year have strengthened this opinion, and satisfied me that it will be imprudent to depart from the policy it inculcates. The application of this principle to the subject under consideration, and to all those of a similar nature, leaves me no alternative but the one on which I act. But suppose this resolution should become a law, the sum therein appropriated to the Union Canal Company would furnish but an inconsiderable part of the amount necessary to complete the undertaking, and could be expended in the course of the present year; and new demands would be made, session after session, fortified too, with the additional argument, that the Commonwealth having embarked so largely in the project, she must necessarily go on and complete it—for I cannot discover that the company contemplate putting their own shoulders to the wheel.

It is proper also to add, without entering into particular details, that no adequate provision is made in the case

of the Union Canal Company, for giving to the state, either by election or appointment, a proper share in the direction of the company. When so large a sum of money as this is appropriated to the aid of a company, it should not be surrendered to the management of directors over whom the public has no control. What assurance has the public that it will be faithfully applied, and what is the remedy if it should not be? It seems to me incompatible with judicious legislation, to leave the interests of the Commonwealth in such a state of insecurity. The officers who are made ex officio directors of this company by existing laws, are precluded by their other official engagements from attending on their duties as such, and were moreover designated to represent the interests of the Commonwealth, where those interests were trifling in comparison with the amount to which they are augmented by this resolution.

DAVID R. PORTER.

January 9th, 1840.

To the Assembly Vetoing an Act to Authorize the Establishment of the Pennsylvania State Lunatic Asylum.

Gentlemen:

THE BILL ENTITLED "AN ACT TO AUTHORIZE the establishment of the Pennsylvania State Lunatic Asylum," is herewith returned to the House of Representatives, in which it originated, without the Executive approbation. I proceed to state briefly, the reasons that induced me to adopt this course. Upon referring to the annual message transmitted to both Houses, at the commencement of this session, you will find a full and completely detailed statement of

the fiscal condition of the Commonwealth, from which it will be obvious to all, that the establishment of a system of the most rigid economy is called for, by every consideration of prudence and sound policy. The demands on the Treasury so much exceed the receipts of that department, that the expenditure of the sum of twenty-two thousand dollars, contemplated by this bill, will increase our pecuniary embarrassments to a great degree, than I can perceive any adequate reason to justify. No friend of this measure can deplore more deeply than I do, the stern injunctoin of duty, by which I am governed. The object for which this bill provide, is one, that appeal directly, to all the best feelings and charities of the human heart. It makes that appeal, under the solemn sanctions of official duty, social obligations, and Christian philanthropy: I feel its force, I acknowledge its justice, and gladly—most gladly—would I yield to its virtuous sympathies. I feel relieved, however, from much of the painful responsibility of my duty, by the reflection that the people of Pennsylvania will, at all times, extend, to that afflicted and unfortunate portion of our race, for whom this bounty was intended, every aid and comfort, that kindness, benevolence and generosity, can afford; and that should it be deemed inexpedient, to authorize the several counties of the Commonwealth to contribute their portion of the sum needed to establish a Lunatic Asylum, the commonwealth itself may, at no very distant day, be so far extricated from her present embarrassments, as to be able, without inconvenience, to accomplish the laudable undertaking which is now unavoidably postponed.

DAVID R. PORTER.

January 9th, 1840.

To the Assembly Vetoing a Resolution to Secure and Maintain the Uninterrupted Navigation of the Delaware River and Bay, During the Winter Months, by Means of Steam, Ice and Tow Boats."

Gentlemen:

I RETURN TO THE HOUSE OF REPRESENTATIVES, in which it originated, the Resolution entitled "Resolution to secure and maintain the uninterrupted navigation of the Delaware river and bay, during the winter months, by means of steam, ice and tow boats," without the Executive approbation, together with my reasons for pursuing this course. My objection to this resolution, is founded exclusively on the financial embarrassments of the Commonwealth.

I beg leave to refer you to the annual message transmitted to both Houses of the Legislature at the commencement of this session, for a full exposition of the condition of the Treasury of the Commonwealth. While our expenditures so greatly exceed our income as they do at the present time, I cannot find a justification for increasing those expenditures by the appropriation contained in this resolution, even in the acknowledged utility of the object designated to be promoted.

Rigid economy alone will extricate the Commonwealth from the pecuniary difficulties by which it is surrounded. I am therefore constrained, by an imperative sense of duty, to arrest, so far as depends on me, the passage of this Bill.

DAVID R. PORTER.

January 9th, 1840.

To the Assembly Vetoing a Resolution relative to Copying the Index to Patents in the Land Office and for Other Purposes.

Gentlemen:

A JOINT RESOLUTION "RELATIVE TO COPYing the index to patents in the land office, and for other purposes," was presented to me for the Executive approbation on the 25th day of June last and not approving the same, I herewith return it to the House of Representatives, with my objections.

The resolution embraces various subjects. 1st. It authorizes the secretary of the land office to copy the general index for the patents in his office, and directs that he shall be allowed therefor a reasonable compensation, to be paid out of any moneys in the Treasury not otherwise appropriated.

That officer informs me that he has not desired the proposed enactment, nor does he deem it necessary.—Again, if the proposed copying were necessary, it would only require the employment of a clerk for the purpose, and would confer scarcely any additional duty on the officer: yet the resolution proposes to pay him, who now receives a stated salary, an additional compensation, which would not be craved and is not asked by him. 2d. It directs the Secretary of the Commonwealth to prepare certain tables from returns made pursuant to the resolution passed 16th April, 1838, and to cause the same number of tables to be published by the printers of the journals of the respective Houses, as are printed of the journals in German and English, and to be delivered in the manner the journals are.

3d. It directs an unlimited draft on the Treasurer, for continuing the publication of the colonial records, in addition to the appropriation heretofore made for the subject. It is believed that, taking into consideration the state of the public Treasury, it would not be

advisable to incur an increased expense for the proposed publication, which has already extended considerably beyond what was originally contemplated—and that no paramount considerations, arising from the importance of the work in question, would justify a departure from the strict economy now absolutely necessary in all the departments of the Government.

4th. It directs the re-print, by the printer of the German debates of the convention, of the 4th volume of those debates, which was principally destroyed by fire. It is true, that the loss of the volume in question will render the work incomplete, but that defect can be better remedied when the situation of the finances will better justify the expenditure.

5th. It directs the payment of $500 to Jacob Eyster, late first clerk in the land office, as extra allowance for his services.

It is a serious objection to all expenditures, except such as are indispensable, that the public finances are in an exceedingly embarrassed condition, and every dollar which the Commonwealth can raise, by revenue or by loan, is required to meet engagements already contracted.

6th. It authorizes the Commissioners of York county to borrow, for the use of the county, any sum not exceeding $25,000.

7th. It appropriates the sum of $300, to make up for deficiency in the fund for paying contingent expenses in the land office, if necessary. These two provisions are not in themselves objectionable, and if they stood alone, would meet my approbation.

I think that the passage of this act, making such draws upon the Treasury, and giving employment to certain printers, in publishing matter not called for by the people, can only be attributed to that hasty legislation which too often characterizes the close of a

long, arduous and fatiguing session of the Legislature.

DAVID R. PORTER.

January 9th, 1840.

To the Senate Nominating Certain President and Associate Judges.

Executive Department,
Harrisburg, January 9, 1840.

Gentlemen:

COMMISSIONS HAVE BEEN GRANTED DURing the recess of the Senate, to the following persons for the offices respectively annexed to their names; I now nominate them to the same, viz:

Benjamin Patton, Jr., to be President Judge of the court of common pleas of the 5th judicial district or circuit, composed of the county of Allegheny, in the room of T. B. Dallas, resigned.

James M. Porter, to be President Judge of the 12th judicial district, composed of the counties of Dauphin, Lebanon and Schuylkill, in the room of Calvin Blythe, Esqr., resigned.

Benjamin Champneys, to be President Judge of the 2nd judicial district, composed of the county of Lancaster, in the room of Oristus Collins, Esqr., removed.

John Montgomery, to be an associate judge for Northumberland county, in the room of Jacob Gearhart, Esqr., resigned.

John Calhoun, to be an Associate Judge for the county of Armstrong, in the room of Joseph Rankin, deceased.

John C. Bucher, as one of the Associate Judges of Dauphin county, in the room of Innis Greene, Esqr., deceased.

George Crawford, and John Fleming, to be Associate Judges for Clinton county, organized at the last session of the Legislature.

DAVID R. PORTER.

To the Assembly Concerning a Loan for the Use of the Commonwealth.

Gentlemen:

BY THE PROVISIONS OF THE ACT APPROVED the 23d ult., entitled "An act to authorize a loan," the Governor is authorized to negotiate a permanent loan for the sum of $870,000. He is also authorized to negotiate a temporary loan for the same sum, in anticipation of the said permanent loan.

As $600,000 of the sum authorized to be borrowed is required to supply a deficit in the internal improvement fund, for the payment of interest this day due, I directed the Secretary of the Commonwealth, immediately upon the approval of the said act on the 23d ultimo, to write to the banks of the city and districts of Philadelphia, and the Harrisburg Bank, inquiring of each of them, whether they would agree to make a permanent or temporary loan to the commonwealth of six hundred thousand dollars, or any part thereof, upon the terms specified in the said act, the same to be placed to her credit in the Bank of Pennsylvania, on this day.

Answers have been received from all the banks. The Bank of Pennsylvania proposes to lend on temporary loan $100,000; some of the others offer to take proportional parts on certain contingencies, and sev

eral others appear to manifest a desire to meet the emergencies, but have not the ability. Copies of the correspondence upon this subject are herewith transmitted.

It will be perceived that not having the means so to do, the interest this day due by the commonwealth to her loan creditors is unpaid, a circumstance which the Executive, anxious as he has been for maintaining unsullied the credit and faith of the commonwealth, has been unable to avert. I cannot too often, or too impressively urge upon the legislature the paramount duty of maintaining at all hazard the public faith and credit. Whilst urging upon them, the adoption of such wise and judicious enactments as may prevent the recurrence of an event rendered inevitable, from the revulsion growing out of the unnatural and exhausted system of credit with which our business community has been inflated, I beg leave to recommend, as the best alternative which now presents itself forthwith of a joint resolution authorizing the issuing of state stock for the interest falling due this day, to be delivered to the holders of the stock for the amount due them respectively, as an earnest of our determination to make provision, as soon as the necessary legislation can be had, to meet the exigency and redeem the credit of the commonwealth.

I trust, I may be excused in this communication for saying to the representatives of the people in the legislature, that whilst they owe a duty to the wants and wishes of their immediate constituents, there is a paramount duty to the commonwealth at large, to maintain its credit, to meet its engagements, and to prevent its character for good faith from being unsullied. No man, were he concerned alone as an individual, would go further to fix an early day for the resumption of specie payments by the banks than I would, if by so doing the desirable result would be

produced. But placed as I am, as the Executive of the Commonwealth, to preside over her interests, I feel bound to say, regardless of any denunciations which may be poured forth from any quarter, that I believe too rigorous a system of measures be adopted to coerce the payment of the liabilities of the banks, immediately, the credit of the state must and will be seriously and disastrously affected. Let an assurance be given to the public that at a certain and fixed day, within a reasonable time, such resumption will take place, and that it will then be permanent. Let them understand that this indulgence to their debtors, the banks, is rendered absolutely necessary by the existing pressure and the cumbrous public debt with which the state is loaded, and no one can doubt, but that, in a spirit of patriotic liberality, they will waive the immediate exercise of a positive right, for the more certain and ultimate accomplishment of what we all so much desire. I refer to the message communicated to you at the commencement of the present session for my views in detail; and aware of the responsibility I have assumed, I leave the subject to the calm and reflecting consideration of the legislature.

When I took upon me the duties of the station assigned me, I assumed all its responsibilities also; and having never shrunk from the performance of any duty, I have felt myself imperatively called upon to make this communication to you, in the fullest confidence and belief, that the patriotism and good sense of our common constituents will bear us out, in our honest and anxious endeavors, to extricate the state from the financial difficulties and embarrassments, encountered on entering upon the discharge of our public duties.

DAVID R. PORTER.

February 1st, 1840.

Further to the Assembly Concerning a Loan for the Use of the Commonwealth.

Executive Department,
Harrisburg, January 25, 1840.

Gentlemen:

I HAVE TO COMMUNICATE TO THE LEGISLATURE, that the loan authorized by the act of 23d January last, has been taken as follows: $100,000 by the president, directors and company of the bank of Pennsylvania; $100,000 by the Girard bank: and the balance by the bank of the United States; by reason of which the commonwealth is now able to pay off and discharge $650,000 of the interest which fell due on the 1st instant, upon her loans.

The amount provided for by the legislature for the payment of interest in the said act of the 23d January last, was evidently fixed by the report of the State Treasurer on the subject of finances, of 9th January.

From the statement now furnished by that officer, it appears that the whole amount of interest due on the 1st inst., was $718,610 78

Deduct the appropriation of the 23d January, ..	$650,000 00	
Paid from treasury, ...	27,750 00	
		677,750 00
		$40,860 78

Thus there is a balance of $40,860.78; for the payment of which immediate provision should be made by the legislature.

It may not be improper to add, that the further action of the legislature on the subject of the joint

resolution recommended in my message of the 1st instant, is now unnecessary.

DAVID R. PORTER.

February 5, 1840.

To the Senate Nominating Robert C. Greer to be President Judge of the District Court of Allegheny.

Executive Chamber,
Harrisburg, March 9th, 1840.

I NOMINATE ROBERT C. GRIER, TO BE PRESIdent Judge of the District Court of the County of Allegheny, to take effect on the 8th day of April, next, at which time his present commission expires.

I also nominate George W. Barton, Robert T. Conrad, and Joseph M. Doran, to be judges of the Court of General Sessions, for the city and county of Philadelphia, the said George W. Barton, to be President of the said Court.

DAVID R. PORTER.

To the Senate Nominating Certain Associate Judges of the Courts of Common Pleas.

Executive Chamber,
Harrisburg, March 9, 1840.

I NOMINATE THE FOLLOWING NAMED PERsons to be Associate Judges of the Courts of Common Pleas, of the Counties annexed to their name, viz:

Charles McDowell, Bedford county, in the room of Joseph S. Morrison.

George Hess, Northampton county.

John Mitcheltree, Mercer county, in the room of Alexander Brown.

James Boyard and John Duffy, Butler county, the latter in the room of John Parker.

Thomas Baird and Robert Mitchell, Venango county, the former in the room of Richard Irwin, and the latter in the room of Thomas McKee.

John Brawley, Erie county, in the room of John Vincent.

Samuel Hill, Washington county, in the room of Boyd Mercer.

Philip Noon, Cambria county, in the room of Richard Lewis.

James Gwin, Huntingdon county, in the room of John Kerr.

Strange N. Palmer and Henry Voute, Schuylkill county; the former in the room of George Raush, and the latter in the room of Samuel D. Leib.

Jonah Brewster, Tioga county, in the room of Ira Kilburn.

William Porter, Allegheny county, in the room of Hugh Davis.

John Laporte, Bradford county, in the room of John McKean.

Samuel C. Bonham, York county, in the room of George Barnitz.

Jabez Hyde, Susquehanna county, in the room of Davis Dimmock.

George Schnabel, Union county, in the room of Hugh Wilson.

John Montgomery, Northumberland county.

Oliver S. Dimmock, Pike county, in the room of Daniel W. Dingman.

William Donaldson and George Mack, Columbia county; the former in the room of William Montgomery, and the latter in the room of Leonard Rupert.

Peter Haas, Lehigh county, in the room of John F. Rhue, Jr.

Moses Tyler, Wayne county, in the room of Moses Thomas.

DAVID R. PORTER.

To the Senate Nominating Alexander L. Hayes to be President of the District Court of the City and County of Lancaster.

Gentlemen:

I NOMINATE ALEXANDER L. HAYES, OF THE city of Lancaster, as President of the District Court for the city and county of Lancaster, to take effect from the first day of May, 1840.

DAVID R. PORTER.

Executive Chamber, March 27, 1840.

To the Assembly Transmitting Documents in the Nicholson-Baynton Case.

Harrisburg, April 2, 1840.

Gentlemen:

I HAVE RECEIVED FROM THE COMMISSIONER appointed in pursuance of the act relating to the claims of the Commonwealth against the estates of John Nicholson and Peter Baynton, passed July 2d, 1839, a report upon the claim against the estate of Peter Baynton, and relative to the bonds of purchasers of Nicholson's lands, and to lands of Nicholson bought by the state commissioners for the Com-

monwealth; copies of which are herewith transmitted to the General Assembly.

DAVID R. PORTER.

[DOCUMENTS OMITTED.]

To the Senate Nominating John M. Snowden to be Associate Judge of Allegheny County.

Gentlemen:

I NOMINATE JOHN M. SNOWDEN AS ASSOciate Judge of Allegheny County, in the room of William Hays, resigned.

DAVID R. PORTER.

Executive Chamber, April 14th, 1840.

To the Senate, Nominating Joseph B. Anthony to be Judge of the "Nicholson Court of Pleas for the State of Pennsylvania."

I HEREBY NOMINATE JOSEPH B. ANTHONY, Judge of "the Nicholson court of pleas for the State of Pennsylvania," pursuant to the provisions of the act entitled "an act to settle the estates of John Nicholson and Peter Baynton, passed the 16th of April, 1840.

DAVID R. PORTER.

Executive Chamber, April 16th, 1840.

A Message Convening the Assembly in Extra Session for the Consideration of Certain Financial Interests of the Commonwealth.

WHEREAS, THE CONSTITUTION OF THIS Commonwealth confers upon the Governor the the power of convening the General Assembly, on extraordinary occasions. And wheres, no provi-

sion has been made by law, for the payment of the interest now due and falling due on the state debt, between the present time and the meeting of the next Legislature, and for the repair and current expenses of the canals and rail roads of the Commonwealth, nor for the prosecution of the public works, now under contract and in a state of approaching completion, and in the construction of which our enormous state debt was mainly contracted, must in a great measure, if not altogether, cease to be fit for use, whereby not only will the public suffer great loss and inconvenience, but the character of our improvements itself for stability and usefulness, will receive a heavy blow from which it will not soon recover, and the revenue of the Commonwealth, already so lamentably inadequate to meet the demands upon it, will be rendered little short of three fourths of a million of dollars within the ensuing year: and the public works, now in a state of approaching completion, in the undertaking of which the Commonwealth has a very large sum of money already invested, must remain idle and useless, to the serious diminution of the public revenue, and to the detriment of those sections of the Commonwealth, especially, through which they pass. And whereas, by the act passed the 3rd day of April, 1840, entitled "Resolution providing for the resumption of specie payments by the banks, and for other purposes," the sum of three millions of dollars is provided for the purposes herein mentioned, in case the Legislature enacts the appropriate laws, applying it to the same. And whereas, one of the principal reasons for giving to the banks, so great an extension of their present suspension of specie payments, as until the 15th of January, 1841, was to obtain this fund of three millions of dollars, for the relief of the Commonwealth from the financial embarrassments by which she is at this time beset: And whereas, a failure to provide for applying the

same to the purposes for which it was designated, is an entire surrender of this important advantage secured to the public by that law, and is a total release of the banks, from an essential part of the consideration, on which the indulgence they are enjoying, was granted, which appears to me, to be a course of policy neither wise nor just.

And whereas, the Commonwealth of Pennsylvania, with her vast resources, and her magnificent system of public improvements, owes it to her own character for steadfastness, strict observance of engagements, and a high sense of state pride and public faith, to pay with punctuality the interest becoming due on the public debt - the respective debts due to those who have laboured to construct and keep her public improvements in repair —and to exert all her energies to continue those improvements in a fit condition to transport upon them, whatever products her own citizens and those of neighboring states, may have created or purchased on the faith, and with the expectation and assurance, that these improvements were to be and remain their highway to and from market. And whereas, should there be no remedial legislation in the present emergency, the confidence of the world in the engagements, and legislative constancy of this great Commonwealth must be deeply shaken, if not ultimately lost. Therefore, I have felt it to be my solemn and imperative duty, to convene the General Assembly again on this extraordinary occasion, to hold a session, ON THE SEVENTEENTH DAY OF THE PRESENT MONTH.

I have chosen this early period, before the members had dispersed and returned to their homes, to relieve them from the trouble of returning at a more inconvenient season, to save the Commonwealth from the large amount of expenses which she would necessarily incur in the recalling of the members from their sev-

eral remote places of abode, and to secure the most speedy action of the legislature on the subjects above referred to, that is practicable, because they are of a nature too pressing and important to admit of much delay. It is a matter of unfeigned regret to me, to be obliged to arrest the return of the members to their families and homes, but the injunctions of duty, are too stern and unyielding to be disregarded: I obey them with readiness, and shall trust to the enlightened wisdom of the members of the General Assembly, and of our common constituents—the people—to sanction the act, and to render it instrumental in promoting the public good, and in saving from impending reproach, the faith and honor of Pennsylvania.

In the fund for the payment of the interest on the public debt, the deficiency within the next nine months will not be less than, ...	$800,000
For the repairs made by the present officers, on the several lines of canal and railroad, there is yet due and unpaid, at least, ...	300,000
For repairs to be made during the present year it will require (exclusive of the Franklin line), at least, ...	400,000
There is due also for ropes, locomotives, &c., ...	75,000
Also for locks on Eastern Division, ...	7,402
Also (over and above appropriations), to contractors on the Erie extension,	204,000
On North Branch, ...	165,000
On Wisconisco, ...	2,000
On Sinnemahoning, ...	34,124
Gettysburg rail road, ...	145,307
Allegheny Feeder, ...	1,100
Inclined plane at Columbia, ...	60,000

For new work on finished lines, pay of engineers, canal commissioners, &c.,.	50,000
For damages, ...	30,000

This large amount is now due, or will become due before the meeting of the next legislature, or immediately thereafter; and it is manifestly impossible to postpone the providing of funds to meet it, with any proper regard to the contracts and faith of the state: and under this view of the subject it seems to me there cannot be two opinions, upon the course that ought to be adopted among honest men. This whole subject I have taken occasion to bring before you, in my former messages:—ample time for reflection and investigation have been given, and under the dictates of a true spirit of conciliation and forbearance, it appears to me you cannot consume upon its consideration, much more than a single day of your time.

DAVID R. PORTER.

Executive Chamber, April 16, 1840.

To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Gentlemen:

I HAVE FELT IT TO BE MY IMPERATIVE DUTY to convene you, on the extraordinary occasion referred to in the proclamation, under which you assemble. The facts and the reasons on which I have acted, are sufficiently detailed in that document, to render a repetition unnecessary. I beg leave to call your attention to them as therein set forth. In addition to the deficiency in the Treasury, exhibited in the proclamation, I will now add what I did not then advert to, that no provision whatever, is made for the

current expenses of government. It is left without means to carry on its ordinary operations.

I deem it proper to state, that the several reforms and modifications suggested and recommended in my annual message, in our present banking system, have thus far, not met with the approbation of the legislature, and I think it my duty again to inform you, that my views on that subject, are not only unchanged, but strengthened by subsequent reflection and experience.

I believe it has never happened in the history of this Commonwealth, that a legislature had adjourned, without making some provision for the ordinary expenses of the government. I trust this legislature is not about to set the example. The disastrous consequences that may ensue, it is impossible to foretell; and it may require years of legislation and large expenditures of money hereafter, to repair the evils it will produce. In view of these contingencies, I am sure the members of the legislature, can need no admonitions to point out and to enforce the duty they owe to the public and to themselves.

With great deference to the legislature, but with sincere earnestness, I must urge on you, the adoption of some legislative action, to obviate the difficulties and embarrassments set forth in my proclamation, and should any circumstances occur, to prevent the speedy action of the legislature on this subject, by which the public may suffer loss or inconvenience, I shall feel conscious that no fault can be justly attributed to the Executive.

DAVID R. PORTER.

Executive Chamber, April 17, 1840.

To the Assembly Vetoing An Act to Incorporate the Harrisburg Insurance Company involving the concealing of certain frauds in repairing the Juniata Canal.

Gentlemen:

I REGRET THAT I AM CONSTRAINED BY AN imperative sense of duty, to return to the Senate the bill, entitled "an act to incorporate the Harrisburg Insurance Company," without my sanction. I do not perceive anything objectionable in this bill, except the 15th section, which provides for the repayment of the money obtained to repair the breach of the Juniata canal, in the summer of 1838. Should this bill become a law, it forever terminates all further investigation into the frauds practised upon the Commonwealth in the prosecution of that work. They are too great and too numerous to be passed over in silence. The report of the Auditor General on the subject, made to the legislature during its present session, sets forth the following summary of what was clearly proven by the various witnesses examined by him, touching this matter, to wit:

Because, Time is charged for work which was not performed.

Because, Teams are charged in the names of persons who had no teams on the work, and in some instances the amount of which is receipted, without the knowledge or consent of the person in whose name the account was kept.

Because, Teams were charged at full and high prices, and the drivers' time charged in a separate account.

Because, Foremen were partners in teams, one keeping time principally by bill, the other by check roll, oftentimes not in the owner's name.

Because, Public teams and hands were freely devoted to the use of private individuals and political partizans, their time being continued on the check-roll.

Because, A large amount of money is charged for getting on hands—while others were discharged for opinions' sake.

Because, Improper time was added to the check-rolls, at the will of those having charge to cover the expenses of bringing hands from a distance, and a large amount retained by bill for the same thing, rendering it impossible to ascertain what amount has been charged for this item, or what number of days work ought to be deducted.

Because, Time is continued for hands and teams after they had left the work.

Because, Articles never purchased for, or used on the work, are charged in the accounts.

Because, Many persons were induced to receipt for money, which they never received, and to which they had no claims.

Because, Bribery was attempted for the purpose of procuring the public funds.

Because, Public property was converted to private use.

Because, Lumber and other articles were purchased to be delivered on the line at a given place, and fixed price as rendered per bill, and the contractor permitted to charge the Commonwealth with the daily pay of the teams employed to deliver it, and at least in one instance, two dollars per day was charged more than the teamster received, notwithstanding they were principally paid out of the contractor's store.

Because, Foremen and other hands bought materials, provisions and tools, settled accounts, sold property, or converted it to their own use, and had control of the boarding houses.

Because, Horse feed is charged to the Commonwealth, in addition to full pay for time.

Because, Officers and hands received pay, and had expenses paid while travelling in different parts of the state, vicinity of the work, or in attending elections.

Because, Many persons were hired at high prices, who were neither foremen, mechanics, nor even laboring men.

Because, Foremen and others, while in the public service, bought and slaughtered cattle, using the state teams and hands for that purpose, and supplying the line with meat by the pound at a high price.

Because, Public officers having sold public property, now refuse to render an account, or even a bill of sale.

Because, Materials, provisions, &c., were not all times procured at as low prices as they were offered at.

Because, Provisions (at least flour), fell in price after the "break," while the charge is continued at the most advanced price to the Commonwealth.

Because, One of the supervisors charges for three yoke of oxen for months, at $12 per day, exclusive of the driver, when it appears he had but two yoke, for weeks in succession, but one yoke of oxen on the work, and because $6.25 per day is charged by the same person for a two horse team, including the driver, which team and driver were employed in private use, a great part of the time.

Because, The blank check-rolls furnished by the state, upon which accounts were kept, were mutilated. The heading and certificate below being cut off, and others attached by wafers or otherwise, capable of easy separation and leaving it uncertain how many were attached, when sworn to, whether teams at $6, or $8, were not substituted for hands at ninety-five cents per day, or whether one individual may not have signed for others.

Because, A large amount of whiskey is charged to the Commonwealth.

Because, The disbursing officer could not, or would not correct the accounts returned by him, and

Because, I could not designate the true, from the

false vouchers; or ascertain the amount "fairly expended" on that breach as directed by the resolution.

I cannot close my eyes to this extraordinary state of things, nor should I faithfully discharge my duty, if I approved of a law, which I believed allowed the perpetrators of these frauds to escape without responsibility or punishment. I cannot think the legislature adverted to the operation of this bill, at the time it passed, immersed as the members then were, in the hurry and bustle of the business at the close of the session. It is proper to state, that this money was originally obtained without the authority of law, and in a manner wholly unknown to the constitution. It was drawn from the banks and paid out without passing through the treasury, or being accounted for, in the manner always heretofore acted upon in this Commonwealth; and, if now sanctioned without enquiry, as it seems to me, this bill would sanction it, it establishes a precedent of the most dangerous nature. It would afford a dishonest Executive free license to borrow and appropriate money, in defiance of all the laws and constitutional safe-guards designed to place the treasury beyond his reach. I impute nothing in this case, but the example is one I cannot approve.

There are, no doubt, many dishonest demands upon the Commonwealth on account of the repairs of the breach above referred, to, unpaid. A very large portion of the money loaned by the banks, to enable the Governor to repair this breach, is due, and ought also to be paid; but it would not be right to absolve from all liability, those who expended this money in the extraordinary manner, proven by the witnesses examined by the Auditor General in relation to this matter. If the legislature does not approve of the mode pointed out, and recommended by that officer of settling this troublesome business, I trust they will adopt some other method calculated to pay as speedily as possible, to the banks and others interested, all that

is due to them, and at the same time let every facility be given to the banks for rigidly enforcing the accountability of all those into whose hands the money can be traced, together with their sureties. A greater portion of the amount loaned by the banks, might be safely paid to them at once, turning them over to their remedy for the balance, against those who received the money. This course seems to me perfectly just and equitable. It appears to me to be clearly within the power of the legislature to make provision for the instituting of suits in such manner, as to secure both the rights and the responsibility of all parties concerned in this transaction.

DAVID R. PORTER.

Executive Chamber, May 15th, 1840."

Further to the Assembly Concerning the Jurisdiction over the United States Arsenals on the Schuylkill and at Frankford.

Gentlemen:

UPON THE 28TH OF FEBRUARY, 1839, I HAD the honor to transmit to both branches of the Legislature copies of a communication and documents received from the Secretary of War in relation to vesting in the United States jurisdiction over, and exempting from taxation, the lots on which the United States Arsenals are erected, on the Schuylkill and at Frankford, in the county of Philadelphia. It appears that no definite action has been had upon these documents. The bill reported on the 20th March, 1839, in the House of Representatives, remains amongst the unfinished business of the session. The application is justly entitled to the consideration of the Legislature, and a decision upon it is required by

the relations subsisting between the State Government and the Government of the Union; hence I again respectfully invite the immediate attention of the General Assembly to the subject.

DAVID R. PORTER.

Executive Chamber, Harrisburg, June 5, 1840.

To the Assembly Vetoing An Act to Incorporate a Bank to be Called the Lancaster County Loan Company.

Gentlemen:

IT BECOMES MY DUTY TO RETURN TO THE Senate, the bill, entitled an act to incorporate a bank to be called the "Lancaster County Loan Company," without my sanction, and to state with brevity, the reasons that induce me to withhold it. This bill contemplates the establishment of a new bank, with a capital of $500,000, to be located in the city of Lancaster. It provides for the payment of fifty per centum of each share subscribed in gold or silver, before the charter is issued, and prescribes, that real estate to the amount of the shares subscribed by each person becoming a stockholder, shall be mortgaged by each of such stockholders respectively, to secure the payment of the notes, liabilities, &c., of the bank. Trustees are designated, to whom these mortgages are to be given, and by whom the affairs of the bank are to be settled, in case of a forfeiture of its charter. Several excellent and salutary restrictions are imposed on the bank proposed to be created, and it seems as if the security afforded to the public, was greater than that presented in the banking system hitherto acted on in Pennsylvania. It is manifest, however, at a glance, that this bill proposes to com-

mence a new system of banking in this commonwealth. However safe it might eventually prove, it is an untried experiment here. Similar experiments have been attempted in other states, with little success. But I do not propose to enquire how far the same fate is likely to attend the measure in this state. I express no opinion on that point. Nor do I intend to follow out the details of the bill, and specify what might be regarded as omissions and imperfections, even admitting the general principle of the proposed system to be correct. This would require a more thorough investigation of the details, both of this bill and of similar systems in those states where they have been established, than I have either the time, or the means to give the subject at the present moment. I shall, therefore, rest my objections on grounds of a general nature, that render them at this time imperative and insuperable.

There are in the county of Lancaster, "The Farmers' Bank of Lancaster," "The Lancaster Bank," The Columbia Bank and Bridge Company," the "Branch of the Bank of Pennsylvania," having together a capital of about $2,000,000, and employing about $1,350,000, besides $10,000 paid in, of the capital of the Savings Institution. The county of Lancaster is emphatically an agricultural county. It is celebrated throughout the whole Union for the fertility of its soil, and the skill, prudence and industry of those who till it. I cannot perceive any necessity for the establishment of another bank, with a capital of half a million of dollars in that county. I cannot learn, after the most careful inquiry, that such necessity exists. A considerable portion of the capital already incorporated, has never been called in. The citizens of the county of Lancaster have now their full share of banks, and I cannot reconcile it to my sense of duty, to assent to the creation of another.

The time at which it is asked, during the suspension of specie payments, is also unpropitious. I could not bring my mind to the approval of any bill incorporating a new bank, without the most undeniable necessity requiring it, at any time, and more especially, at a time when the banks of this Commonwealth, already existing, fail to fulfil their engagements with the public, and survive only by sufferance.

There are in Pennsylvania, fifty-two banks, with an aggregate capital of $60,000,000, of thereabouts. Until they resume specie payments—answer the end for which they were established, and the increase of business renders it apparent, that they are inadequate to supply the wants of the community, I shall feel it to be my duty to resist any additions to the number. Should further experience, however, show, that the existing banking system is too defective to be modified and brought into a state of soundness and stability, it will then become a question of the deepest moment, how it shall be substituted by another, if another be deemed advisable. In the mean time, while the system already established, remains, it appears to me, to be the duty of all departments of the government to put forth every possible effort to correct the evils of it, and perfect the system by such modifications and restrictions, as experience and judicious reflection point out to be necessary. So far as depends upon me, I shall continue while entrusted with the executive functions, to press the subject on the consideration of the legislature, with all the earnestness in my power, until the great ends of wholesome bank restrictions and reform are substantially secured. The recommendations contained in my annual message were made upon the fullest consideration, and I am more and more persuaded, that the adoption of them would exert a very salutary and beneficial influence. And without intending in the remotest degree

to question the correctness of the opinion of the legislature on the subject, I cannot allow the occasion to pass by without expressing my sincere regret, though in terms of the most perfect respect, that they have not thought proper, or found it convenient to adopt those recommendations on this subject.

I am fully aware of the obstacles to be encountered in carrying those measures into effect. I know the difficulty of changing and modifying the fundamental rules and regulations of so many, and such powerful banking institutions as we have in this Commonwealth, is great. I know that habit, long settled; a reluctance to change what is supposed to be well understood, and a belief that the evils complained of, will soon cure themselves, all conspire to augment the difficulty and retard the progress of reform. These difficulties will, I trust, soon yield to the influence of reason and experience; but should they prove powerful enough to prevent the passage of laws making the essential and thorough reform called for in the charters of all the banks collectively, there is still a slow, but a sure method left of attaining the same desirable result.

The charters of the several banks in this commonwealth, expire at different periods between the present time and the year 1866. Within ten years the charters of twenty-nine expire, and the remaining twenty-two at different times between that and 1866. It seems to me, that if all the banks in the commonwealth, cannot be readily brought under the efficient and thorough influence of reform at once, the right course is to regulate, restrict and control them, as effectually as we can in the aggregate, and as new applications for the renewal of their charters, or for the establishment of additional banks occur, to grant those applications only on such terms as will fully secure the safety of the institutions renewed or created, and the rights of the community.

Let this determination be rigidly adhered to, and in a few years we shall accomplish all that is found impracticable at once. A new system, sounder and better than the old one, will gradually take its place, and, as I believe, will in a few years compel all the banks of which the charters expire at the most remote periods, to solicit the same modification of their charters, before they expire, or be destroyed in the estimation and confidence of the public.

The character of banks, like that of individuals in business, is the very life blood of their usefulness and power. Not only must their character for integrity and solvency of condition, be untarnished and unsuspected in itself, but it must stand the test successfully in comparison with that of others. If it does not, the bank of the individual is destined to a speedy downfall. The operation of this principle requires little illustration. In the case of the banks it is obvious, that those banks established on the safe and sound basis of reform, will deserve and enjoy the highest confidence of the public. They will soon draw from the others their deposits and business, and thus pave the way for their ultimate prostration, unless they present to the public the same security of organization. I cannot therefore, hesitate in believing, that whatever resistance is offered to the progress of reform, as a general measure of legislation affecting all the banks in this commonwealth, immediately, the complete triumph of those who advocate it, is neither very distant, nor in the least degree doubtful. It is only for the legislature to commence the work in good earnest; it will, by its own impulse, surmount every impediment, and mature itself. Had this bank proposed to be created, been a renewal of a former charter, or in the place of a bank that had formerly existed, it would have stood on different ground. The salutary restrictions in the bill would have given it a title to

respect, they would have constituted at least one step in the way of reforming our system of banking. This institution would have been marked as the beginning of a new era; not, indeed when our system is reduced to perfection, but when an attempt is made to approach it.

I have already stated, as I believe, that there is enough, if not more than enough bank capital in the county of Lancaster for all useful purposes. Under such circumstances, should an additional bank be created there, professedly resting on sounder principles of incorporation than the banks now in existence, what would be the inevitable result? Why, at the next session of the legislature, and at succeeding session, that body would be literally besieged with applications from other counties for similar institutions. The amount of bank capital already existing would not be reduced, nor would it afford any available objection to granting these applications, for this very case would be pleaded as a precedent; few counties, if any, can be found where the bank capital bears a greater proportion to business, than in the county of Lancaster; and the legislature would be told, with great force of truth that there was as much reason in those counties for additional banks, as in the county of Lancaster. It requires but little experience in the affairs of the world, to enable us to predict the issue. Should argument fail, combination of interests would be all-powerful, and we, most probably, would see re-enacted the scenes which followed the incorporation of the litter of banks of 1814. The new banks created, however sound in themselves, would speedily come incollision with the banks now existing in superabundance, and a general crush must ensue. Can any person who remembers the events of 1814, '15, '16, and '17, in the county of Lancaster, itself, desire to see them repeated? Wide spread ruin and desolation marked the flourishing inhabitants of that county for their prey.

Prosperous and wealthy farmers were reduced to beggary in a few months. The spirit of wild and reckless speculation infected the whole mass of the community: property fell more than one half in value in two or three years: upwards of a third of all the real estate in that county changed hands within that period, either under the immediate pressure of necessity, or the hammer of the sheriff. No person can survey those scenes at this distant day, without the deepest feelings of astonishment and regret. Let us not contribute to reproduce them. Let me not be misunderstood. I do not suppose that this deplorable state of things would be occasioned by signing this bill alone. It is the example I fear. It is the stimulant it would furnish to that most contagious of all things, inconsiderate speculation, prompted by the inordinate cupidity of man. It is because the step, if once taken, cannot be easily retraced.

The experiment proposed to be tried by the creation of this bank, if a good one, can be made at a more propitious time, and in a more suitable manner. I shall most cheerfully co-operate with the legislature then, in improving our banking system. When, hereafter, charters are proposed to be renewed, if they are deemed necessary, or if by forfeiture of their charter, or by other means, banks cease to exist, and others are required by the wants of the people, let them be incorporated only on such terms as may be found most safe and expedient—whether those that this bill contains, be such as would answer this end, can be determined at the proper time.

I cannot perceive any good reason for augmenting our present enormous banking capital in the county of Lancaster, or elsewhere. It does not seem to me, that it is called for by the demands of business, nor by any other consideration of sound policy. The mania for stock speculation appears to have had its day.

Money is seeking other investments, in which, if the anticipations of those who embark are less brilliant, the certainty on which they rely is tenfold greater. This change it is confidently believed is for the better; it is the precursor of reformation and amendment, and justifies rational expectations of improvement in our condition, that could scarcely have been realized while we were driving onward in our late rash and headlong career. Patience, perseverance and unshaken firmness in the discharge of their respective duties, by the legislative and executive departments of the government are all that is now wanting to correct the evils under which we suffer, and to prevent their recurrence in future. Create no additional banks —renew the charters of none but those that are indispensable, and those on terms of rigid security — hold them, one and all, to a strict accountability under the laws; extend no further special indulgences; strengthen the guards upon them, and increase the restrictions, let these principles be sacredly observed in our legislation, and we shall soon see the monetary institutions of this Commonwealth restored to the confidence of the people, and standing proudly erect among those of the sister states, as the firmest and most faithful to their engagements. If they cannot and do not occupy this position before the world, they are unworthy of Pennsylvania, and ought to give place to those that will reflect no discredit on the great state to which they are indebted for their existence.

DAVID R. PORTER.

Executive Chamber, Harrisburg, June 10, 1840.

Proclamation Announcing the Election of Representatives of Pennsylvania in the Congress of the United States.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, in and by two several acts of the General Assembly of this Commonwealth entitled "An Act to provide for the election of Representatives of the people of this State in the Congress of the United States," passed the 9th day of June, 1832, and an act entitled "An act relating to the elections of this Commonwealth," passed the 2nd day of July, A. D. 1839, it is made the duty of the Governor, on the receipt of the returns of the elections of members of the House of Representatives of the United States, by the Secretary of the Commonwealth, to declare by proclamation the names of the persons so returned as elected in the respective districts. And Whereas, the returns of the General election held on Tuesday, the thirteenth day of October last in and for the respective districts for members to serve in the House of Representatives of the Congress of the United States, for the term of two years from and after the fourth day of March next, have been received in the Office of the Secretary of Commonwealth, agreeably to the provisions of the above recited acts, whereby it appears that, in the first district, composed

of East and West Southwark, Moyamensing, Passyunk, Kingsessing, Blockley, Penn township, Germantown, Roxborough and Bristol, in the County of Philadelphia, Charles Brown has been duly elected. In the second district composed of the City of Philadelphia, John Sergeant and George W. Toland have been duly elected. In the third district composed of the residue of the County of Philadelphia, Charles J. Ingersoll has been duly elected. In the fourth district composed of the Counties of Delaware, Chester and Lancaster, Jeremiah Brown, Francis James and John Edwards have been duly elected. In the fifth district composed of the County of Montgomery Joseph Fornance has been duly elected. In the sixth district composed of the County of Bucks, Robert Ramsey has been duly elected. In the seventh district composed of the Counties of Northampton, Monroe, Pike and Wayne, John Westbrook has been duly elected. In the eighth district composed of the Counties of Schuylkill and Lehigh, Peter Newhard has been duly elected. In the ninth district composed of the County of Berks, George W. Keim has been duly elected. In the tenth district composed of the Counties of Lebanon and Dauphin, William Simonton has been duly elected. In the eleventh district composed of the County of York, James Gerry has been duly elected. In the twelfth district composed of the Counties of Adams and Franklin, James Cooper has been duly elected. In the thirteenth district composed of the Counties of Cumberland, Perry and Juniata, William S. Ramsey has been duly elected. In the fourteenth district composed of the Counties of Mifflin, Huntingdon, Centre and Clinton, James Irvin has been duly elected. In the fifteenth district composed of the Counties of Columbia and Luzerne, Benjamin A. Bidlack has been duly elected. In the sixteenth district composed of the Counties of Union, Northumberland and Lycoming,

John Snyder has been duly elected. In the seventeenth district composed of the Counties of Susquehanna, Bradford, Tioga, Potter and McKean, Davis Dimock, Jr., has been duly elected. In the eighteenth district composed of the Counties of Bedford, Somerset and Cambria, Charles Ogle has been duly elected. In the nineteenth district composed of the Counties of Westmoreland and Indiana, Albert G. Merchand has been duly elected. In the twentieth district composed of the Counties of Fayette and Greene, Enos Hook has been duly elected. In the twenty-first district composed of the County of Washington, Joseph Laurence has been duly elected. In the twenty-second district composed of the County of Allegheny, William W. Irwin has been duly elected. In the said twenty-second district composed of the said County of Allegheny, to fill the vacancy occasioned by the resignation of Richard Biddle, Henry M. Brackenridge has been duly elected. In the twenty-third district composed of the Counties of Clearfield, Jefferson, Armstrong and Butler, William Jack has been duly elected. In the twenty-fourth district composed of the counties of Beaver and Mercer, Thomas Henry has duly elected. In the twenty-fifth district composed of the Counties of Crawford, Erie, Warren, Venango and Clarion, Arnold Plumer has been duly elected. Now therefore, I have issued this proclamation hereby publishing and declaring that Charles Brown, John Sergeant, George W. Toland, Charles J. Ingersoll, Jeremiah Brown, Francis James, John Edwards Joseph Fornance, Robert Ramsey, John Westbrook, Peter Newhard, George M. Keim, William Simonton, James Gerry, James Cooper, William S. Ramsey, James Irvin, Benjamin A. Bidlack, John Snyder, Davis Dimock, Jr., Charles Ogle, Albert G. Marchand, Enos Hook, Joseph Laurence, William W. Irwin, Henry M. Brackenridge, William Jack, Thomas Henry

and Arnold Plumer, have been returned as duly elected in their several Congressional districts before mentioned, as Representatives of the people of this State in the House of Representatives in the Congress of the United States, for the term of two years except Henry M. Brackenridge who has been elected to fill the vacancy occasioned by the resignation of Richard Biddle, to commence from and after the fourth day of March next.

Given under my hand and the Great Seal of the State at Harrisburg this second day of November in the year of our Lord one thousand eight hundred and forty, and of the Commonwealth the Sixty fifth.

By the Governor,

Frs: R. Shunk,

Secretary of the Commonwealth.

Proclamation Announcing the Election of Electors of the President and Vice President of the United States—1840.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided in in and by an Act of the General Assembly of this Commonwealth, entitled "An Act relating to the elections of this Commonwealth," passed on the second day of

July, A. D. 1839, that the Secretary of the Commonwealth having received the returns of the votes given for electors of President and Vice President of the United States shall lay the same before the Governor who shall enumerate and ascertain the number of votes for each person voted for, and shall thereupon declare by proclamation the names of the persons duly elected. And Whereas, it appears by the returns laid before me of the election for electors held on Friday, the 30th day of October, 1840, that John Andrew Shulze, Joseph Ritner, Lewis Passmore, John Price Wetherill, Thomas P. Cope, Jonathan Gillingham, Amos Elmaker, Abraham R. McIlvain, John K. Zeilin, Robert Stinson, William S. Hendrie, J. Jenkins Ross, Peter Filbert, William Addams, John Harper, William McIlvain, John Dickson, John McKeehan, John Reed, Ashbel B. Wilson, Ner Middleswarth, George Walker, Bernard Connelly, Junr., Joseph Markle, Justus G. Fordyce, Thomas M. T. McKennan, Harmer Denny, Joseph Buffington, Henry Black and John Dick are the persons for whom the greatest number of votes were given at the said election. Now therefore, I have issued this proclamation hereby declaring that the said John Andrew Shulze, Joseph Ritner, Lewis Passmore, John Price Wetherill, Thomas P. Cope, Jonathan Gillingham, Amos Ellmaker, Abraham M. McIlvain, John K. Zeilin, Robert Stinson, William S. Hendrie, J. Jenkins Ross, Peter Filbert, William Addams, John Harper, William McIlvain, John Dickson, John McKeehan, John Reed, Ashbel B. Wilson, Ner Middleswarth, George Walker, Bernard Connelly, Junr., Joseph Markle, Justus G. Fordyce, Thomas M. T. McKennan, Harmer Denny, Joseph Buffington, Henry Black and John Dick are the persons duly elected Electors of a President and Vice President of the United States to serve at the election in that behalf to be held at the Seat of Government of this

State (being the Borough of Harrisburg in the County of Dauphin), on the first Wednesday of December next, agreeably to the said act of the General Assembly of this Commonwealth and the Constitution and laws of the United States in such case made and provided.

Given under my hand and the Great Seal of the State at Harrisburg, this sixteenth day of November in the year of our Lord one thousand eight hundred and forty and of the Commonwealth the sixty-fifth.

By the Governor.

Frs. R. Shunk,
Secretary of the Commonwealth.

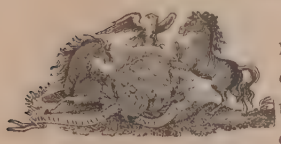
Proclamation of the Election of Charles McClure as a Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, by a return duly made by the Judges of a special election held in the thirteenth Congressional district of this Commonwealth composed of the counties of Cumberland, Juniata and Perry, on Friday, the twentieth day of November, instant, under the authority of an Act of

the General Assembly passed the second day of July, A. D. eighteen hundred and thirty-nine, it appears that Charles McClure was duly elected to serve as a Representative of this State in the House of Representatives in the Congress of the United States to supply the vacancy occasioned by the death of William S. Ramsay, Esquire.

And Whereas in and by the forty-second section of the Act before recited it is made the duty of the Governor on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by proclamation the name of the person elected.

Now therefore, I have issued this proclamation hereby publishing and declaring that the said Charles McClure is duly elected and chosen in the district before mentioned as a representative of this State in the House of Representatives in the Congress of the United States, during the remainder of the time for which the said William S. Ramsay, Esquire, was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburg this thirtieth day of November, in the year of our Lord one thousand eight hundred and forty, and of the Commonwealth the sixty-fifth.

By the Governor.

Francis R. Shunk,

Sec'y Commonwealth.

Annual Message to the Assembly.

Fellow Citizens:

AMONG THE VARIOUS DUTIES ENJOINED BY the Constitution on the Executive Magistrate, none is more important and more frequently perplexing, than that of "giving to the General Assembly information of the state of the Commonwealth.

and recommending to their consideration, such measures as he should judge expedient." On this occasion I am happily relieved from much of the anxiety and embarrassment upon the discharge of this duty, by referring your attention to the annual message which I had the honor to transmit to the Legislature on the 8th day of January last. In that message, I felt it to be my imperative duty, to enter into a full and elaborate exposition of my views on several deeply interesting subjects connected with the public welfare, and especially on the subjects of the internal improvements of the Commonwealth, the public debt, and the reformation of the banking system. In regard to these leading questions of vital interest, and the numerous subordinate matters intimately associated and blended with them, I can add very little to the opinions I expressed, and the recommendations I made in the message to which I have just referred you. The experience of the past year, has not only confirmed, but strengthened my conviction of the justice and propriety of those opinions and recommendations; the people at large with unexampled unanimity have approved them, and I earnestly invite your careful deliberation, as I did that of the last Legislature, upon those portions of the message, to which you will find convenient access upon your journals. So far as respects the reform of the banking system, I perceive no necessity for changing or modifying, in any essential particular, the recommendations therein contained; and I now here respectfully, but earnestly recommend the adoption of the recommendations I then made on this subject, and trust that the present Legislature will not separate, until they shall have made a searching and thorough reform of the imperfections and manifold abuses of the present system. To me it has been a subject of deep regret, that my recommendations on that subject, did not meet the ap-

probation of the last Legislature, persuaded as I am, that the most beneficial influences would have resulted from their adoption. It is not, however, too late to apply the remedy still, and I again recommend, with anxious earnestness, those measures for reforming the abuses of the banking system, to your early attention.

The resumption of specie payments on the part of the banks, which constituted a year ago such a formidable portion of the difficulty in the way of efficient legislation, is about to be consummated, without your active interference at all. Under the resolution passed on the 3d day of April last, those institutions are required on and after the 15th day of January inst., to pay on demand all their notes, bills, deposites, and other liabilities, in gold or silver coin, on penalty of the forfeiture of their charters, upon certain conditions set forth in said resolution. It affords me great pleasure to state, that although the day fixed for the resumption was more remote than I wished at the time, yet the period of indulgence has nearly passed away, and there is now good ground to believe, that the banks of this Commonwealth will, as they are required to do, be prepared again to discharge their liabilities in specie. Should they do so, by continuing strictly to observe the law, and by fulfilling the just expectations of the public, they may regain the confidence which they have hitherto lost, and more particularly may they do this, if proper measures be adopted for the better regulation and control of their operations. One of the most immediate advantages resulting to the community, from the resumption of specie payments, will be the entire expulsion from circulation of the illegitimate brood of small notes that have been poured in upon us, from the neighbouring states on all sides, in defiance of law, and of the most active endeavors to suppress them. I cannot, however, con-

clude this part of my subject, without recommending that no increase of our banking capital be made under any circumstances, and that effectual provision be made by law, that if any bank shall at any time hereafter, suspend specie payments, it shall be ipso facto a forfeiture of its charter. Nothing short of an absolute and unconditional provision of this kind, can arrest the frequent over issues by the banks, induced by the inordinate cupidity of those under whose directions they may be conducted. Let the great principle be distinctly announced, as the foundation on which our banking institutions rest, that hereafter, there are to be no more suspensions of specie payments in Pennsylvania.

The condition of the public improvements during the past year, has been attended to by the officers entrusted with their management, with untiring assiduity. They are in a much better state of repair than they ever have been since their construction, and but little delay or interruption in business has occurred. The amount of business done on the main line, it is true, has been less than last year, but it has been owing to causes in no degree connected with the management of the public improvements. I refer you to the Report of the Canal Commissioners, for a detailed and accurate statement of the present condition of the improvements, the sum required to complete those lines in a state of forwardness, and the amount needed for repairs on the canals and railroads now in operation, as well as the amount due for repairs heretofore done.

I feel it to be my duty again to state to the Legislature, that as soon as those portions of the unfinished lines of improvement, now almost completed, are finished, and upon which, if the work had been suspended, more would have been lost to the Commonwealth than by hastening their completion, I think it full

time for Pennsylvania to pause in her career of internal improvement, and test for a time the usefulness and value of the stupendous achievements she has already made. I have been from the beginning the friend and advocate of the internal improvement system of this Commonwealth, and shall continue to be, so long as that system is confined to the main lines and their immediate tributaries; but our immense public debt, and the sacrifices which the people are called upon to make in consequence of it, for the payment of the interest, and of the principal as it falls due, forcibly admonish us, to consult prudence and economy before we incur additional responsibilities, without a corresponding increase of means to meet them. A revival of business, and the natural augmentation of our population and resources, will in a short period of time, enable us to realize from our improvements, many of the advantages of which they are susceptible, and as I confidently trust, enough, and more than enough to demonstrate the wisdom of their projectors, and the soundness of the policy, which led to the enormous investment of capital in their construction. When that day arrives, let canals and railroads be constructed wherever they promise to be useful throughout the wide extent of the Commonwealth; but until it does arrive, let us husband our resources, and diminish as much as practicable the burthens now imposed upon the people of the State.

The amount necessary to complete the main lines, and to put the improvements now in use in a thorough state of repair, you will be fully informed of by the Canal Commissioners; which amount of money I would respectfully suggest, should be immediately appropriated, so as to enable the Canal Commissioners to make proper arrangements to apply it with most advantage to the public service. Great and immediate repairs to our improvements are indispens-

ible, if we hope to maintain the character of those improvements, and to prevent our immediate Northern and Southern neighbours from diverting from them a large share of the business of the West and South. The honor of Pennsylvania is too deeply involved in this measure to admit of apathy or delay. Feeling as citizens of this Commonwealth should feel on this subject, I am sure no stronger motive to action could be presented to you, than that of enlightened and manly State pride, addressing itself to you through the medium of official duty.

Public Debt.

The present amount of the public debt is:—

Permanent loans at 5 per cent., ...	$33,086,013 32
Permanent loans at 4½ per cent., ...	200,000 00
Temporary loans at 4 per cent., ...	15,000 00
	$33,301,013 32
Due United States, on account of deposite surplus revenue, ...	2,867,514 78
Unpaid appropriations, ...	622,247 59
	$36,790,775 69

Upon an examination of the debts and liabilities of the Commonwealth, on the 15th of January, 1839, and the subsequent laws passed, authorizing loans and making appropriations, it will be found, that nearly the whole sum borrowed since that period, has been applied to debts and liabilities then due and falling due, on account of the public works finished and in progress—to the payment of temporary and stock loans—for interest on the public debt, and for the repairs of the canals and rail-ways of the Commonwealth.

The only sums appropriated out of the loans authorized to be made since I came into office, which were not applied to liabilities then due and growing out of contracts, which existed at that time, are the following:

To a survey of a railroad from Harrisburg to Pittsburg, ...	$45,000 00
To stock in the Pennsylvania and Ohio canal, ...	50,000 00
To the survey of a railroad from Harris-	
To stock in the Monongahela Navigation company, ...	100,000 00
	$295,000 00

Public Property.

Bank stock, ...	$2,108,700 00
Turnpike and Bridge stock, ...	2,830,348 89
Canal and Navigation stock, ...	645,269 00
Railroad stock, ...	335,546 90
Money due on land, estimated, ...	1,000,000 00
Public works, canals, rail-ways, &c., ..	29,578,506 17
	$36,498,370 96

Thus it appears that the resources of the Commonwealth are abundant, but not immediately available for the purpose of paying either the principal or the interest of the public debt.

It is proper here to remark, that it has not been the uniform practice of the Legislature, to provide sufficient revenue to meet the current demands upon the State Treasury. The various appropriations of the public treasury have exceeded the public income. Out of this state of things, a custom has grown up at the Treasury it seems, to pay the demands upon it, as they are from time to time presented, without refer-

ence to the specific appropriation of part of the monies therein, to the payment of the interest upon the public debt, which falls due semi-annually, on the 1st of February and 1st of August.—Under this custom, it has happened, that from a deficiency of other means, the monies arising from tolls, auction duties, tax on collateral inheritances, dividends on turnpike, bridge and navigation stocks, and escheats, which had been set apart by law, towards the payment of the interest on the public debt, have been paid out indiscriminately to meet other demands upon the Treasury. There will, therefore, be a deficiency in the fund for the payment of interest on the public debt, upon the 1st of February next, of perhaps $800,000.—This, as well as every other subject relating to the revenue, belongs so exclusively to the legislative branch of the government, that no recommendation of the Executive can be required, to bespeak for it the necessity for some special legislation in relation to its future disbursement.

It is computed that the tax which will be rendered available under the act of the 11th June, 1840, entitled "An act to create additional revenue to be applied towards the payment of interest, and the extinguishment of the debts of the Commonwealth," will amount to about $600,000. The sum which will be raised under this Act, together with the other resources of the Commonwealth, will most probably liquidate the interest account, without further resort to loans for that purpose. This act is to continue in force five years, and provides such a rule for the assessment of taxes, as to fall with gentle weight on those who are little able to bear any addition to their expenses. The articles taxed are those purely of luxury, such as gold watches, pleasure carriages, household furniture exceeding in value three hundred dollars, together with bonds, bills, and notes of solvent obligors, bank stock or stock in other corporations, yielding dividends of

at least one per cent., salaries of public officers, and real estate. Although this act undoubtedly operates with considerable hardship upon those who fall within reach of its provisions, still they are comparatively, subjected to very little inconvenience, for in most instances they do not belong to the poorer classes, on whom taxation usually falls with the most peculiar severity.

To impose taxes on any class of our fellow citizens is not very agreeable, nor a very popular task; but when , as in this case, the honor, and the fidelity of Pennsylvania must be sacrificed, or a tax of this kind be endured, there are few, very few men in the Commonwealth worthy to be ranked among her free, intelligent and upright citizens, who will shrink from their share of the burthen.—When, too, it is known that those who recommended, and who sanctioned the bill imposing the tax, are no more responsible for the necessity that compelled a resort to it, than any of those who are to pay it, the folly and injustice of those who would condemn, are rendered still more conspicuous. I found the debt upon which this interest was to be paid in existence, when I assumed the functions of the Executive, and found nothing to pay it with. The Treasury was exhausted, and no means left to meet this responsibility but further loans, a sale of the improvements or taxation. The first two were impracticable, and I was driven by stern necessity to the adoption of the latter alternative. I saw but one path before me open to pursuit, and that was the path of duty. I recommended taxation; that recommendation was adopted by the Legislature, and it is a source of proud gratification to me, when I consider that the people of Pennsylvania, almost to a man, so far as I have been informed, with a firmness and patriotism worthy of themselves, have yielded to this necessity without murmur or repining. I feel fully convinced,

that at the expiration of the five years at farthest, with a reasonable degree of prudence, and with strict economy in the management of our affairs, the income of our improvements will render a renewal of this law wholly unnecessary.

If any difference of opinion exists, as to the necessity of this tax, let these questions be answered by those objecting: Does not Pennsylvania owe this debt? Is she not morally and legally bound to pay it and its interest, as it falls due? Can they point out any other mode by which this can be done?

You, however, have come directly from the people, and are supposed best to know their opinions on this as well as all other subjects; and if you differ in opinion with me on this important subject, and think the tax ought not to have been laid, it is your duty to repeal the law instantly. No part of the tax has yet been collected. Seeing no other mode of extricating the Commonwealth from the difficulties in which I found it, my views and opinions remain unchanged. Yet if the immediate representatives of the people think proper to repeal the law, and can substitute any other mode less objectionable, which will promptly meet the exigency, be it so; the responsibility rests with them.

I can never consent by word or deed, to countenance the idea that the faith of the State can be violated by a failure to meet her engagements. If there be any in our country who would be willing, if they were able, to abrogate the contracts of the Commonwealth, and be faithless to her creditors, let their doctrine be distinctly avowed and the issue fairly made up before the people. The intelligence and integrity of our citizens would speedily convince the world, that they feel the necessity in a republican government of maintaining, unsullied, public faith and national honor.

The deficiency in the funds set apart for the payment of the interest on the public debt is falling due on the 1st of February next, must be promptly provided for. By the act of the eleventh June last, the Governor is authorized to procure it on loan, and for that purpose proposals have been invited; whether money can be procured I know not: and in case it cannot, I see no other mode left to avoid the dishonor of the State credit, but the sale of a sufficient amount of the stock owned by the State, in one or the other, or all of the banks in which she is interested. The State owns the following amount of stock in each of the banks named, viz: Bank of Pennsylvania, 3,750 shares; Philadelphia Bank, 5,233 shares; Farmers' and Mechanics' Bank, 1,708 shares. The stock would most probably command a ready sale; and I do most sincerely hope that not a day will be lost, before this possible blot upon the faith and honor of the State is effectually guarded against, by the prompt action of the Legislature.

In my last annual message, the question was distinctly presented to the Legislature, whether the works then in progress should be prosecuted to immediate completion or not, and the question was by them determined in the affirmative, and the sum of $600,000 appropriated to each of what has usually been denominated the main lines; and the works being so far progressed in, as to warrant the expectation of their being completed in another year, all will now concur in the opinion, I presume, that provision should be immediately made for the completion of the unfinished works as soon as possible.

A judicious and immediate appropriation promptly made in anticipation of the usual appropriation bill, specifically for the works under contract—for the completion of the reservoirs, at each end of the Portage Railroad—and for ordinary repairs, is imperiously

called for, and will enable the contractors to complete the whole, and have them ready for use by the opening of the navigation in the spring of 1842. The vast importance of the immediate completion of the main lines, as well to the citizens immediately interested in them as to the fiscal interests of the Commonwealth, cannot be too strongly pressed upon your attention. They will complete a communication between the great lakes, and our commercial metropolis. They will also, by a proper arrangement with the authorities of New York, connect our improvements with those of that great Commonwealth, thus affording an opportunity of exchanging the products of the two states, and strengthening the bonds of our national Union. They will also add largely to the revenue on the works now in use.

What differences of opinion may have existed as to the policy of commencing the Erie Extension and North Branch Canals, there ought to be none now as to their speedy completion. They are nearly finished, a comparatively small sum is necessary to complete them, and the policy of a continued and protracted delay in completing works, which the State is pledged to accomplish, until the first work done upon them has become useless from decay, has proved disastrous and ruinous on many occasions.

The course heretofore usual, of neglecting to appropriate a sufficient sum for repairs, and that early in the session, has been seriously detrimental to the interests of the Commonwealth. At the last session the Commissioners stated that the lowest estimate for repairs required $700,000, and the Legislature appropriated $500,000, a great portion of which was absorbed by debts then due. The result has shown that the Commissioners were right. The fund has long since been exhausted. The necessary repairs have not been completed. Those who have been engaged

at them are unpaid, and the Supervisors are without funds to lay in the necessary materials for repairs. The repairs on the lines of canals in use should ordinarily be made in winter, when they would not interrupt the use of the canals; and it has usually happened that before the arrival of winter, the officers have no means at their command, and no appropriation bill is passed until late in the session. The whole system of repairs in consequence of the uncertainty of the time of paying the workmen, and those who furnish materials, cost the Commonwealth much more than it would do, were the means of payment ample, certain and promptly applied.

The Beaver division of the Pennsylvania canal is already connected with the public improvements of Ohio, by the Pennsylvania and Ohio canal, a work which has been completed by individual enterprize, aided by public appropriations from both states, and bids fair to be a valuable tributary to our public improvements, and a profitable investment for the stockholders. It has been accomplished at a less cost than any other work of the kind which I have visited, and is a monument of the wisdom of its projectors, and of the skill, prudence, and economy of those charged with its construction.

I respectfully recommend to the Legislature, the enactment of a law authorizing the Canal Commissioners to treat with the authorities of the State of New York, for such a connection of our internal improvements with theirs, as will best promote the interests of the two Commonwealths. The law should limit the terms and conditions, and define the power and authorities of the Commissioners in such manner as on due consideration shall be deemed proper.

The interest of the Commonwealth would also be advanced by entrusting the same board with the power of selling, or leasing, water power created by

our internal improvements. There are at many points, and in very advantageous situations, surplus quantities of water, which could be profitably applied to various branches of manufacture, without injury to the due supply of our canals. The tolls on our public improvements would be increased thereby, and a considerable sum realized from such sale or lease.

By an act of the seventh April, 1835, a guaranty was made on the part of the State, for the payment of an interest of five per cent. for twenty-five years on $200,000, of the capital stock of the Bald Eagle and Spring Creek Navigation company, and by a subsequent act the State has since subscribed $25,000 to the stock of the company. The whole of the work is completed and in active operation, except the last six miles, on which about one third of the excavation and and embankment is made, two locks completed and another nearly completed. A comparatively trifling sum would finish this work, but the funds of the company are exhausted, and the Commonwealth is annually called upon for the amount of her guaranty, and her subscription is wholly unproductive. It is a very valuable tributary to the State Canal, terminating in one of the richest mineral regions in this or perhaps any other country. Every article coming out of it pays a toll on our State canal for 150 miles to Columbia. I therefore submit to the better judgment of the Legislature, whether sound economy does not dictate the further subscription of a sum sufficient to finish it; believing that its productiveness will then be amply sufficient to relieve the Commonwealth from any further payment of her guaranty.

There are at present many public improvements in a course of construction in our State by means of private companies, most of which I cannot but think are calculated to benefit Pennsylvania in a very high degree. Among the latter I may particularize the Williams-

port and Elmira Railroad, as tending with certainty to produce this result. This road will connect the Grand Erie Canal of New York by the Seneca Lake, with the West Branch Canal at Williamsport; and also intersect, at Elmira, the Great Southern railroad now being constructed from the Hudson river to Lake Erie at Dunkirk. The advantage likely to result to ourselves, from the construction of this road will be, that the great amount of tonnage and travel which now annually finds its way from the Lakes through the State of New York to the Atlantic, will thus be brought directly through our own public improvements to Philadelphia; the distance from Elmira to the latter city by this route being 71 miles shorter than from Elmira to the city of New York by any contemplated improvement in that state. Other improvements of a similar character, and perhaps of equal importance, might be noticed.

Every man is presumed to be present in the Legislature by his representative, and to know what public laws are enacted, and is therefore held to be bound by them from the time of their enactment. This notice, however, is but a constructive one. I would respectfully suggest, whether some provision for the immediate publication of all laws of a public nature is not necessary, to give to the people actual notice of provisions by which they may be seriously affected.

The Report of the Superintendent of the Public Schools, which will shortly be laid before you, will show the progress which the cause of education is making in public opinion, and the state and condition of the Colleges, Academies and Schools, throughout the Commonwealth.

Though the active operations of the Geological Survey are not yet entirely completed, a much greater extent of country has been minutely explored during the past season than in any former one. The State Geolo-

gist, and his corps, were laboriously occupied in the field, their researches extending into various districts, both east and west of the Allegheny mountains. The insight acquired during the progress of the survey, into the more minute features of our geology, and the true position of our various mineral deposits, has served greatly to increase the accuracy and value of the large body of facts now collected. Throughout several extensive sections of the State, where hitherto, no accurate clue had been discovered by which particular beds of those useful substances, iron ore, coal, marble and limestone, could be traced, much of the obscurity has been removed. Several districts, however, of greater or less extent, yet remain to be explored. Though some of these have been already faithfully examined, one year or more will be necessary for unravelling the intricacies of their structure, and enabling the Geologist to arrive at a satisfactory knowledge of their resources. For this purpose an appropriation will become necessary. The amount, however, will be less than the sum hitherto annually expended. The Topographical maps now in a course of construction, are essential as a basis for the Geological map called for by the law. In the chemical department of the survey, an extensive series of ores, coals, cement, fluxes, &c., have been analyzed, resulting in a species of knowledge now becoming every day more important to the growing manufacturing and mining interests of Pennsylvania.

It is an undoubted fact, that the few last years have been a period of pecuniary embarrassment in the business community. It has been consoling, however, to reflect, that during a portion of that time, our husbandmen have been reaping a full reward for their labor in abundant crops, for which, until recently, they have found ready markets, at fair prices. They had not generally been affected with that mad spirit of specu-

lation, which at one time seemed to have seized so large a part of other portions of our citizens, and induced them to engage in almost every visionary scheme in their "haste to get rich."

The causes of this embarrassment have been variously explained, as suited the views of those who undertook the task. My own views upon this subject have been fully and freely expressed in my communications to the preceding Legislatures. No one, however, can doubt, that, when our country is importing large amounts of the luxuries and superfluities of life from foreign countries, and not exporting a sufficiency of our own products to pay for them, there must be a constant drain of the precious metals, and hence a scarcity of money to supply the wants of our community at home. A retrenchment among our citizens, of whom plain republican simplicity has ever been a distinguishing characteristic, in the purchase and use of articles of mere luxury, would greatly tend to lessen this cause of pecuniary embarrassment.

The consequences of the embarrassment in our mercantile and manufacturing operations, are now beginning to be felt, also, by our farmers, in the more recent reductions of the prices of their products, although the fact communicated by the Secretary of the Treasury, in his late report is cheering, that during the last year the exports, from this country have exceeded the imports by nearly twenty-seven millions of dollars. This is certainly encouraging, especially when we reflect, that in prior years the reverse was the fact; and that without going back further, in the year 1836, the excess of imports exceeded the exports upwards of sixty-one millions of dollars; in 1837 twenty-three and a half millions of dollars; in 1838, five millions of dollars, and in 1839, forty-one millions of dollars; and that in 1837, the import of the single article of silk, a mere luxury, which our own country is as ca-

pable of producing as any other, amounted to twenty-three millions of dollars, while our export of flour, during the same year, was but about seven millions of dollars. It is to be hoped, and the increased confidence growing out of the resumption of specie payments about to take place, warrants the conclusion, that business will resume its accustomed channels, and taking lessons of prudence from the past, our citizens will not again be tempted into those wild excesses which have well nigh led on to bankruptcy and ruin, and the prostration of public and private credit and confidence.

Our Commonwealth possesses a fertile soil, and unbounded agricultural and mineral wealth. We have within ourselves almost all the necessaries, and many of the luxuries of life. With the increase of intelligence and means, we find our farmers augmenting the products of their soil, improving their stocks of domestic animals, and adding to the neatness of their household establishments. No one can pass through our Commonwealth, without being struck with the air of substantial comfort, and increasing prosperity, which pervades the agricultural districts of the State.

The variety and extent of our water power, give great facilities to the manufacture of our grain into bread stuffs, and for every other branch of manufacture, either needed for the supply of our citizens, or for the employment of their capital.

Had Pennsylvania already reached the full development of her resources, with her present pecuniary responsibilities weighing her down, we might well contemplate our situation, with trembling solicitude. But this is not the case. Throughout the whole extent of her ample territory, there is scarcely a square mile which does not abound in some or all of the great staples of her mineral wealth. Anthracite and bituminous coal, iron, marble and limestone, have been

scattered by nature with a most profuse hand, and have been hitherto worked barely enough to prove, with what prodigality they have been lavished upon us. The coal field of our Commonwealth embraces more than one fifth of its area, and more than three times as much as belongs to entire Europe. Connected with the coal, which abounds in so large a portion of the Commonwealth, we have large supplies of iron, almost in immediate contact with it. In addition thereto, we have, within convenient distances, almost all the other varieties of iron ore found in any part of the world. The adaptation of anthracite coal, to the smelting of iron ore, has been followed by its successful and profitable application in the further stages of the manufacture of the metal; and that the same results will speedily follow from the application of bituminous coal, may be looked for, with almost absolute certainty. While the iron manufactured with charcoal, will always be wanted for the finer purposes, and the demand for it, increased by the natural increase of the population of the country, that manufactured from mineral coal, will be employed in the construction of railroads, and for innumerable other purposes. This discovery must stand as a distinguished era in the annals of our Commonwealth. It cannot fail to add millions of dollars to her active and available capital; and will ere long transfer to our own citizens most, if not all of the large sums that are now annually sent abroad for railroad iron, and other iron-manufactured articles. The manufacture of these numerous and valuable commodities will not only result in enriching Pennsylvania, but will cut off a large item in the imports of this country, tend to emancipate us from European dependence, enable our sister States to complete their railroads at a cheaper and better rate, and strengthen the National Union, by the strongest of all ties, that of mutual interest.

Nor is there in Pennsylvania a single class of citizens who will not share directly in the advantages. The owners of coal and iron deposits, and those who engage in the manufacture and sale of these productions, will derive the first benefit; but the farmer, the mechanic, the merchant, and every other citizen, will feel immediately, the salutary impulse which will be communicated to his own peculiar business. The value of our canals and railroads must be greatly enhanced, as well as that of all other species of property. With the cheap and ready means which they will afford for the transportation of our various products and manufactures, there can be no doubt, that the trade and business of the State must extend and increase with unexampled rapidity, and by prudence and good management be perpetuated.

In this gradual and certain development of our resources may be found abundant means to liquidate our public debt, and to discharge every other liability, that can justly be cast upon the State. I confess it affords me peculiar gratification to advert to this topic, for it shows most satisfactorily, that though this Commonwealth has been somewhat in advance of the time in extending her improvement system so widely as she has done, the people notwithstanding are destined at no remote period to realize, most amply, all the benefits it was ever expected to produce. The increase of our manufactures will necessarily tend to afford additional sources of employment for the laborer, and furnish increased security against all improper combinations for the reduction of wages.

If any just cause of apprehension has existed, from the attempts of large manufacturing establishments to keep their operatives in subserviency in matters of opinion and the exercise of political rights, let the evil be corrected under adequate penalties. Let the rearing up of children in factories without education

be prohibited, and the light in learning and science being diffused, as well among the operatives as their richer employers, the danger of this influence will be counteracted by shaking off the shackles of ignorance and undue dependence either upon the information or the will of others. Then, instead of having a class of human beings in a state of vassalage, we would rear up freemen capable of thought and reflection, and of putting a proper estimate on that spirit of independence which influenced our forefathers in achieving our freedom, and which ought ever to pervade the bosoms of their descendants to the latest generation.

Performing, as Pennsylvania has always done in an unexemplary manner, her duties as a member of the great federal union, of which she has not inaptly been denominated the "Keystone," we must never forget the duties which we, as her immediate functionaries, owe to her own interests, and the necessity of advancing and sustaining them as far as can be done, without interfering with her duties to the General Government.

On the part of the Legislature, nothing is wanted but a careful supervision of her various interests, to place this Commonwealth on a firm basis of pecuniary independence. Whatever course other states may think proper to pursue, let it be the patriotic duty of Pennsylvania to sustain and cherish every effort to develop her resources, and to advance her glory and her renown. Vindicate her character for integrity—fulfil all her engagements faithfully—husband her resources with economy, but not with a false and mistaken spirit of parsimonious illiberality—and the fair fame of Pennsylvania will stand before the world without spot or blemish to tarnish it. To maintain this fame unsullied, should be the first and most unyielding duty of every citizen honored with any station, in which he becomes its official guardian. I should deem

myself unworthy of the office, with which the people have clothed me, if I proved recreant to this high trust.

By a judicious system of laws, corresponding with the habits and wants of our people, fostering and encouraging enterprize and industry, and enabling our citizens to reap the full reward of their labor and perseverance, we shall fulfil the expectations of our constituents, and be the means under Divine Providence, of perpetuating the blessings which have been so signally showered upon us by the Author of all Good.

The experience of many years fortifies me in the belief, that our greatest error in legislation, is that of legislating too much. Our Legislature have been holding one extra session after another, and that, too, in times of profound peace, and when the calls of patriotism are imperiously made on every public functionary to diminish, as far as in him lies, the pecuniary burthen under which the State has been laboring. The consequence has been, an unparalleled increase in the legislative expenses over all other departments of the government. I can recommend no more certain and effectual retrenchment in this matter, than short sessions; still let the conduct of every department of the government be thoroughly scrutinized, and let no important interest of the people be neglected.

The baneful practice of converting the halls of legislation into an arena for the display of political gladiators, which has too long characterized the halls of our national legislature, is a lamentable departure from the course pursued by the band of patriots who composed "the first congress;" and whose example, I hope, for the honor of our common country, has not yet been wholly forgotten by their successors. The pernicious tendency of this practice of the national legislature, will not, I trust, be extended to the legislatures of their respective states; and I am sure, I need scarcely add, I have no apprehensions of its reaching the Legislature of this Commonwealth. No public

functionary who would yield to its influence need expect to retain the confidence and respect of the people of Pennsylvania.

In conclusion, I shall beg leave to refer you to the views on several subjects contained in my last annual message. That message being the first which I had the honor to communicate at the commencement of a session of the Legislature, I went more into detail on the various topics discussed in it, than I supposed would be again necessary, with a view to an expression of opinion on them, as well for that occasion, as for future reference. I therefore refer you to it for my recommendations on the subjects of reform of the banking system, &c.—the importance of connecting and completing at the earliest day practicable, the disconnected part of our disjointed and unfinished system of internal improvements.—the making of prompt and ample provision for keeping the public improvements in repair.—the necessity of preserving unimpaired the credit of the Commonwealth, and promptly meeting all her pecuniary engagements.—the necessary care and caution to be exercised in creating, renewing, and supervising corporations.—the subject of education, and as connected with it, that of procuring competent teachers and school books.—the subject of the increase of writs of error and appeals in the Supreme Court, and reporting the decisions of that court.—the militia system, the encouragement of volunteers and the reduction of militia trainings to one day in the year.—the evasion of the laws relative to collateral inheritance tax—and the revision of the laws relative to the selecting and drawing of jurors.

It will afford me great pleasure to co-operate with the Legislature, in these and all other measures calculated to promote the common good of our beloved Commonwealth.

DAVID R. PORTER.

Executive Chamber, Jan. 6, 1840.

To the Senate Nominating Anson V. Parsons to be President Judge of the Court of Common Pleas of the Twelfth Judicial District.

Gentlemen:

A COMMISSION HAVING BEEN GRANTED, during the recess of the Senate, to Anson V. Parsons, to be President Judge of the Court of Common Pleas of the Twelfth Judicial district, or circuit consisting of the counties of Dauphin, Lebanon, and Schuylkill, in the room of Jas. M. Porter, resigned, I now nominate him to the same.

DAVID R. PORTER.

Executive Chamber, Harrisburg, January 6, 1841.

To the Assembly Vetoing An Act to Incorporate the Methodist Episcopal Church of Troy, in the County of Bradford.

Gentlemen:

THE BILL, ENTITLED "AN ACT TO INCORPORate the Methodist Episcopal Church of Troy, in the county of Bradford," was presented for my approbation on the last day of the late session of the Legislature. On the same day I was informed that a mistake had occurred in the name of the corporation, that the intention was to pass an act for the incorporation of a Free-will Baptist society. Upon this representation made to me by those interested, I have deemed it to be my duty to regard the error as an objection to the passage of the bill, and and for this reason, to return it to the Senate where it originated.

DAVID R. PORTER.

Executive Chamber, January 7, 1841.

To the Assembly with a Representation from the Judges of the Supreme Court as to the Need of a Remedy for the Excessive Amount of Business Imposed upon Them.

Gentlemen:

IN COMPLIANCE WITH THE REQUEST OF THE Judges of the Supreme Court of Pennsylvania, I herewith transmit to the Legislature, copies of their representation in relation to the increase of causes in that Court, by which, notwithstanding the utmost exertions of the judges, the business has begun to fall behind.

The subject of this communication is of vital importance to the public, and I respectfully recommend it to the early consideration of the General Assembly.

DAVID R. PORTER.

Executive Chamber, January 11, 1841.

DOCUMENT.

Philadelphia, January 9, 1841.

Sir—The undersigned feel it to be their duty to represent to the Legislature, through the Executive, that the gradual but steady increase of causes in the Supreme Court, which has hitherto been met by an increase of time and labor, has arrived at a point which admits not of a further application of these means; and that even already, notwithstanding the utmost exertion of the judges, the business has begun to fall behind. It will be borne in mind that a principal purpose of this tribunal, is not only to give remedy in the particular instances, but to settle and establish contested principles of jurisprudence; and that as all judgments are final, an error by it is fatal—at least irremediable. Now, to avoid error, it must proceed cautiously, deliberately and even leisurely. It has for years been compelled to proceed at a pace barely consistent with safety; and to keep up with the progress of increase, which its utmost exertions could enable it to do at best, only for a short time, would require it to proceed insecurely. And after all, it would fall behind, under the weight of an accumulating burthen. It is unnecessary to point out the mischiefs of such a state of things. It would in the end

amount to a denial of justice; for the number of removals would increase by the prospect of delay, and thus the evil would have the mischievous property of perpetuating itself.

It is not for the undersigned to suggest a remedy. The Legislature will doubtless provide an effectual one; but it is of the utmost importance that it be provided before the court is overwhelmed, if it be provided at all. The undersigned have no expectation that anything which can be done will materially decrease the burthen of their labor. Under any change, they must be employed as many days in the year as they are at present; but they wish for time and deliberation, to enable them to discharge the duties of their office, with credit to themselves and benefit to the Commonwealth. To this end, they beg the favor of your Excellency to lay the present communication before the Legislature.

Very respectfully, your
Excellency's obedient servants,
JOHN B GIBSON,
MOLTON C. ROGERS,
CHARLES HUSTON,
JOHN KENNEDY,
THO. SERGEANT.

His Excellency, David R. Porter.

To the Senate Nominating James Ferguson to be an Associate Judge for Clearfield County.

Executive Department,
Harrisburg, January 18, 1841.

Gentlemen:

A COMMISSION HAVING BEEN GRANTED BY me, during the recess of the Senate, to James Ferguson, Esq., to be an Associate Judge for the county of Clearfield, in the room of the Hon. Hugh Jordan, deceased, I now nominate him to the same.

DAVID R. PORTER.

To the Senate Nominating Certain Persons to be Associate Judges of the Court of Common Pleas for Clarion County.

Executive Department,
Harrisburg, January 23, 1841.

Gentlemen:

COMMISSIONS WERE GRANTED BY ME, DURing the recess of the Senate, to Charles Evans and Christian Myers, Esquire, to be Associate Judges of the Court of Common Pleas for the County of Clarion. I now nominate them, respectively, to the same.

DAVID R. PORTER.

To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Gentlemen:

BY THE ACT OF THE 11TH JUNE, 1840, ENTItled "An Act to provide for continuing the improvements of the State, and for the payment of the interest on the public debt," the sum of $2,405,626 was appropriated towards the completion of the public works in progress, for repairing the canals and railways, and for other objects. The same Act appropriates the amount required on the 1st day of August, 1840, and on the 1st day of February, 1841, for the payment of the interest on the public debt falling due upon the said days; the sum required for the payment of interest on the 1st August was $732,792.66. The Act also authorizes the Governor to borrow, on the credit of the Commonwealth, the aggregate of the appropriations thus made.

By the "Resolutions providing for the resumption

of specie payments by the banks, and for other purposes," approved the 3d day of April, 1840, the several banks which had suspended specie payments on or since the 9th October, 1839, or which should suspend on or before the 15th January, 1841, were required to loan to the Commonwealth, in a pro rata proportion to the capital stock of each, within the period of one year from the date of the resolutions, a sum not exceeding three millions of dollars, if the same should be appropriated at the session of 1840, to the objects for which the appropriations were subsequently made by the above recited act of the 11th June, 1840.

It is perceived, that the Governor was authorized to supply the demands upon the Treasury, either by negociating a loan, in pursuance of the act of 11th June, 1840, or by making a requisition upon the banks for so much of the sum appropriated as they were required to loan by the said resolutions of the 3d April, 1840.

To meet the immediate demands upon the treasury, a requisition, under the resumption resolutions, was made upon the banks, on the 13th June, 1840, for the sum of $1,190,610, to be forthwith placed to the credit of the Commonwealth, upon the books of the banks.

In answer to this requisition, the Bank of Pittsburgh, the Farmers and Drovers' Bank of Waynesburg, the Honesdale Bank, and the Franklin Bank of Washington, stated that they had not suspended specie payments, and were, consequently, not liable to pay their respective proportions. The Girard Bank declined paying her proportion. A loan of $1,750,000 was negociated with the Bank of the United States, on the 25th June, 1840, under the Act of the 11th June, 1840, on account of her proportion;—all the other banks promptly complied with the requisition, and placed the sums required of them respectively to

the credit of the Commonwealth: for which certificates of stock, signed by the Auditor General and State Treasurer, were issued, bearing interest at the rate of five per cent. per annum, reimbursable in twenty-five years.

For the balance required to pay the appropriations made by the Act of the 11th June, proposals for a permanent loan were, on the 27th August, invited, up to the 25th September. No bids for this loan were received.

The only resource left was a requisition upon the banks, under the resumption resolutions, for the balance of the three millions required of those institutions. This requisition for $729,100 was made on the 30th September, on all the banks except those which had alleged they had not suspended specie payments.

The Bank of the United States loaned to the Commonwealth on the 12th October, the sum of $60,000, the balance of its proportion of three millions. The Girard Bank declined paying its pro rata.—The Monongahela Bank of Brownsville and the Doylestown Bank, alleged that they had not suspended specie payments, and declined paying their pro rata, although they had paid the first requisition.

The other banks promptly placed the sums required of them to the credit of the Commonwealth, at the times designated, for which certificates were issued by the proper officers.

In addition to which, individuals have taken of the loan authorized, by the Act of 11th June, 1840, the sum of $99,687.51.

By these proceedings the sum of $2,836,697.51 has been received at the Treasury, on account of the appropriations made by the Act of 11th June, 1840, viz:

From the Bank of the United States—
Loan of 25th June, 1840, .$1,750,000 00

Loan of 12th October 1840, ...	60,000 00	
		$1,810,000 00
From other Banks upon the requisition of the 13th June, ...		360,910 00
From other Banks upon the requisition of the 30th September, ...		566,100 00
Loan taken by individuals to amount of, ...		99,687 51
		$2,836,697 51
There is appropriated to the improvements of the State, by Act of 11th June, (exclusive of interest), the sum of, ...		$2,405,626 00
Sum applied to the payment of interest on 1st August, 1840, ...		732,792 66
		$3,138,418 66
Amount received as above stated,		2,836,697 51
		$301,721 15

From which it appears that there is a balance of $301,721.15 remaining of the loans authorized by the Acts of last session, which has not yet been borrowed.

DAVID R. PORTER.

Executive Chamber, February 6, 1841.

To the Assembly Vetoing "An Act to Authorize the Payment of Certain Loans Obtained from the Bank of the United States and of the Harrisburg Bank, for the Repair of the Huntingdon Breach."

Gentlemen:

THE BILL ENTITLED "AN ACT TO AUTHORIZE the payment of certain loans obtained from the Bank of the United States and of the Harrisburg bank, for the repair of the Huntingdon breach," is herewith returned, with my objections to its passage, to the House of Representatives, in which it originated.

The duty of withholding my signature from Bills which I cannot approve, is always unpleasant, and is rendered more so in this case, as a Bill of like import was returned by me to the Senate at the last session, with objections. Although this measure has thus received the sanction of both branches of the Legislature at two successive sessions, I am urged by an imperative sense of duty to reiterate my objections and return the Bill for re-consideration.

Provision is made by the Bill for the payment, with interest, of fifty thousand dollars to the Harrisburg Bank, and of two hundred and seventy-one thousand dollars to the bank of the United States, which sums were borrowed by the late Executive in 1838, for repairing the breach in the Juniata canal, between Huntingdon and Hollidaysburg.

It is not pretended that there is any constitutional or legal claim against the Commonwealth for this money. The equitable claim rests upon the evidence of its faithful application to the public purposes for which it was borrowed. Upon this point, and for my reasons in detail against the passage of a similar Bill, I respectfully refer the members of the Legislature to my message of the 15th May, 1840, when I returned

the same with objections. See Journal of the Senate for that year, page 687.

The money was loaned by the banks without the authority of law. It was not received at the Treasury, nor advanced to known agents of the Commonwealth, bound by themselves and sureties to account for it in the ordinary way; but it was transferred without regard to the law, to persons upon the line of the canal, and with this very money were perpetrated the most stupendous frauds ever witnessed in the history of this government. And I am asked to approve a Bill which authorizes the payment of money loaned under such circumstances, and which makes no provision whatever for charging the persons entrusted with its disbursement, so that they may be called upon, in like manner as all others who have received public moneys, to account in the usual way for the manner in which it has been expended. Until this be done I can never conscientiously sanction any Bill of the kind.

DAVID R. PORTER.

Executive Chamber, Harrisburg, February 9, 1841.

To the Assembly Vetoing "An Act Relating to Canal Commissioners."

Gentlemen:

THE BILL ENTITLED "AN ACT RELATING TO Canal Commissioners" has been presented to me for the Executive approbation. As I cannot approve the Bill, I return it to the Senate, in which it originated, with my objections thereto, in order to such further action thereon as is provided by the Constitution.

The Bill provides for the election and appointment of three Canal Commissioners, to wit: the election

of one Commissioner by the Senate and one by the House of Representatives, and the appointment of a third by the Governor. This mode of appointment, as to any officers of government, is novel and without precedent; and I confess I can see in the system here proposed, nothing but discord and confusion. It is an event to be reasonably expected, that different parties, interests and combinations in each House, and it may be with the Governor, will lead to frequent removals and changes of the incumbents, and thus our improvement system, instead of being conducted as it should be, with consistent steadiness, will be constantly undergoing the changes and experiments incident to our daily political mutations. Collisions will take place in the Board of Commissioners, embarrassments will be thrown in the way of its action by the minority of its own members, and the public interest will be sacrificed to promote the objects of private or local or political designs. By the appointment of the Board by each House, and by the Governor, nearly the whole responsibility is destroyed. For wrongs done, should they be done, it will be quite impossible to reach all the delinquents at once. The adherence of the Governor or of either House to its favorite, will place him beyond the reach of popular opinion, although his associates, who are responsible to an appointing power differently elected, may be promptly dismissed. The Governor, the Senators and the members of the House, are not all elected at once, nor by the same constituents. The members of each House are the immediate representatives of detached portions of the people, with peculiar local interests to advance, all of which must more or less conflict with those of the State at large; and although each House, in the aggregate, no doubt, represents the people of the whole State, it is through the medium of thirty three members in one, and one hundred in the other. Respon-

sibility thus divided, vanishes almost entirely, and ceases to afford an adequate guarantee to the public.

Should Commissioners thus appointed be guilty of official misconduct, how are they to be punished? The House impeaches, and the Senate tries—but here the House is impeaching an officer whom it has itself just confided in, and appointed; and the Senate is to try justly and impartially, for misdemeanors in office, the man whom it has but a few days before trusted and honored. What a spectacle of absurdity would this exhibit? Would not combinations among the friends of each in the respective Houses, defeat the ends of justice, and laugh to scorn all efforts to inflict punishment?

The history of all representative governments shows, that although their legislatures, especially when numerous, are admirably adapted to the enactment of general laws, and the promotion of the rights and liberties of the people, they are, from the very nature of divided responsibility, the most easily tampered with, by political intriguers and demagogues, in their appointment of officers of any other branch of the government; and in the selection of their officers, have been often made the dupes of intrigue, of venality and of corruption. I beg you to understand me as speaking in the abstract, and not in regard to any past or future legislation in Pennsylvania. I cannot, however, consent to forego, altogether, the salutary lessons of experience. We have no right to expect entire exemption from evils that other people have suffered, and I am determined, so far as I am concerned, to share none of the responsibility of introducing them into Pennsylvania. If done by others, theirs be the honor; I want it not.

But I am satisfied that neither agreeably to the spirit of our Constitution, nor on the ground of expediency, ought the appointment to be vested in the

Legislature. The Legislature have the power of enacting the laws making the appropriations to purposes of internal improvement; and the spirit of the Constitution, as well as the legislation of the Commonwealth, has provided that the disbursement of the moneys and settlement of the accounts of the Commonwealth should be in the hands of officers, differently appointed, evidently to prevent combinations or collusion, or the operation of the same influences in the appointment of each. To give to the branches of government which appropriate the moneys, the appointment of the officers who are to disburse them, would, in my judgment, tend to break down the safeguards provided by the Constitution in the disbursements of public moneys.

The Bill before me presents other difficulties. The Constitution vests the legislative power in the General Assembly; the Executive power in a Governor, and declares the duties of both. The leading duty of the former is to enact laws, and of the latter, to take care that they be faithfully executed. To enable him to perform that duty, the Constitution declares "he shall appoint all officers whose offices are established by the Constitution or shall be established by law, and whose appointments are not herein otherwise provided for." A plausible argument may be drawn from the Bill before me, that it establishes a mode of appointment within the latter clause above recited: but when we look at another part of the Constitution, which declares that "no member of the Senate or of the House of Representatives shall be appointed by the Governor to any office during the term for which he shall have been elected," it manifestly shows that the people intended to confine the principal duties of their Representatives to direct legislation. If this Bill becomes a law, and the principle extended, they might fill all offices out of their respective bodies,

which would destroy their purity, and destroy the incompatible principle in the Constitution, which restrains the Governor from making appointments from either House, during the time for which they shall have been elected.

In point of expediency I think the Bill ought not to become a law, and this I think is manifest from our previous legislation on this subject.

Under the Acts of 27th March, 1824, 11th April, 1825, 10th April, 1826, and 16th April, 1827, the Canal Commissioners were appointed by the Executive. At first the Board consisted of three members;—it was then increased to five; and by the Act of 10th April, 1826, it was increased to nine; at which number it continued until 1830. By the Act of 16th April, 1829, nine persons named in the law, were appointed Canal Commissioners, and authority was given to the Governor to fill any vacancies which might occur in the Board from death, resignation or otherwise.

On the 6th day of April, 1830, in less than a year after its passage, the Act of 16th April, 1829, was repealed, and the Governor was authorized to appoint three persons as a Board of Canal Commissioners: public opinion having decidedly pronounced against the appointment by the Legislature. By the Act of 28th January, 1836, the time of appointing Canal Commissioners was changed from the 1st of June to the 1st of February, and by the provisions of that law, the then existing Board of Canal Commissioners were legislated out of office four months before the expiration of their commissions, but no change as to the number of the Commissioners, or their mode of appointment, was made. It will be within the recollection of all, that the leading reasons assigned for the passage of the last mentioned act were, that it was more proper that the duties of the Canal Commissioners should be exercised by persons appointed by and having the

confidence of the Executive, for the time being, than to have the whole internal improvement system, under the control and direction of persons, who might not harmonize with the Executive in opinion, while he is, in a measure at least, held responsible for the administration of the Government.

Every set of men have the right, I suppose, to change their opinions, when and as often as they please: but I confess I find some difficulty in keeping pace with some of the changes of modern times; for what was then right cannot now be considerably wrong.

There is another and to my mind an insuperable objection to vesting the power in the Legislature, as provided in this Bill; and that is, the fact that from the manner in which the Senate is districted for Senators and Representatives by the Act of 16th June, 1836, the political character of both branches of the Legislature does not correspond with that of a majority of the people of the State; and it is impossible not to see that the effect of the Bill in question, will be to give a political complexion to the Board of Canal Commissioners, different from that of a majority of the people. The whole object of the Bill is, to remove from office men holding one set of political opinions, and to appoint political opponents in their stead. Any attempt to conceal it from the people betrays a gross ignorance of their understanding and intelligence. I conceive it to be a duty which I owe to them to speak thus plainly and explicitly on the subject.

The appointing power is the most embarrassing part of the Executive duties. I have no desire to increase its amount, nor even to retain that which is now vested in the Governor, where it can be safely exercised elsewhere. If a change is deemed essential to the prosperity of the public works, and that the power of appointment of Canal Commissioners is not

safe in the hands of the Executive, I have no desire to retain it. Let it go directly to the whole people, at their annual elections. The Legislature will, at all times, find me ready to co-operate with them, in enabling the people to elect all officers, whose appointment is not specially provided for in the Constitution; but I never can sanction a law which takes away, not only the rights of the Executive but the people, and gives powers to the Legislature not contemplated by the Constitution, and which, in my judgment, would be a usurpation of power by the Legislature, pregnant with evil. However indisposed I may be to retain all the powers of the Executive, it is my sworn duty to protect the rights of the people from legislative encroachments, and I intend to do it.

The issue is now before the people of this Commonwealth for decision; and with that decision, whatever it may be, I shall be perfectly satisfied. Should a majority determine that I have done wrong in refusing to sanction this change in the mode of appointing Canal Commissioners, that this contemplated alteration is wise, prudent and safe—and that better selections would have been made by the two Houses of the Legislature than by the people, or the Executive, they can easily proclaim this opinion, and execute their purpose by some other Executive agent; but if they think otherwise—if they agree with me—if they can see in the proposed system only political scrambling for office, discord and dissension, they will also pronounce that judgment for the guidance of our future course, and will thus settle on a certain basis, the organization of the Board of Canal Commissioners, in reference to which, we now unfortunately entertain such conflicting opinions.

DAVID R. PORTER.

Executive Chamber, February 10, 1841.

To the Assembly Correcting an Error in the Veto of the Act Relating to Canal Commissioners.

Gentlemen:

IN MY OBJECTIONS TO THE BILL ENTITLED "An Act relating to Canal Commissioners," communicated by message to the Legislature on the 10th instant, a manifest error has occurred in quoting from the Constitution in copying these words:

"He shall appoint all officers whose offices are established by the Constitution, or shall be established by law, and whose appointments are not herein otherwise provided for."

The quotation intended to be embodied was, and is, the first clause of the 8th section of article 6th, and is in these words:

"All officers whose election or appointment is not provided for in this Constitution shall be elected or appointed as shall be directed by law."

Which error I have to request may be corrected before printing.

DAVID R. PORTER.

Executive Chamber, Harrisburg, February 12, 1841.

To the Senate Nominating Associate Judges of the Courts of Common Pleas, etc., of the Several Counties.

Executive Chamber,
Harrisburg, February 17, 1841.

I NOMINATE THE FOLLOWING NAMED PERsons to be Associate Judges, from and after the 27th day of February instant, of the Courts of Common Pleas, &c., of the several counties annexed to their names, viz:

John Calhoun, Armstrong county.

William Long, Bucks county.

John Murray, Cambria county.

Jesse Sharp, Chester county.

Joseph Adams, Huntingdon county.

Samuel Dale and Jacob Grosh, of Lancaster county, the latter in the room of John Lightner.

Morris Longstreth, Montgomery county, in the room of Richard B. Jones.

William P. Wilcox and Solomon Sartwell, Jr., M'Kean county, in the room of Joseph Otto and Joel Bishop.

John Baskin, Union county, in the room of Adam Light.

Hiram Hutchinson, Erie county, in the room of John Grubb.

DAVID R. PORTER.

To the Senate Withdrawing the Name of the Associate Judge Nominated for Erie County and Substituting that of Miron Hutchison.

Executive Chamber,
Harrisburg, February 18, 1841.

Gentlemen:

AN ERROR HAVING OCCURRED IN SPELLING the name of the associate judge nominated for Erie county, I hereby withdraw the said name, and nominate Miron Hutchison, to be an associate judge of the Court of Common Pleas, &c., of said county of Erie, from and after the 27th day of February, instant, in the room of John Grubb.

DAVID R. PORTER.

To the Senate Nominating John Fox to be President Judge of the Court of Common Pleas of the Seventh Judicial District.

Executive Chamber,
Harrisburg, February 25, 1841.

Gentlemen:

I NOMINATE JOHN FOX, OF THE COUNTY OF Bucks, to be President Judge of the Courts of Common Pleas, for the seventh judicial district, composed of the counties of Bucks and Montgomery, to take effect from the 27th day of February, instant.

DAVID R. PORTER.

To the Senate Nominating Associate Judges of the Court of Common Pleas of the Several Counties.

Executive Chamber,
Harrisburg, March 1, 1841.

Gentlemen:

I NOMINATE THE FOLLOWING NAMED PERsons to be associate judges of the Courts of Common Pleas of the counties annexed to their respective names, viz:

George Smyser, Adams county, in the room of William M'Lean, whose commission expired on the 27th February last.

William C. Reynolds, Luzerne county, in the room of William Sterling Ross, whose commission expired on the same day.

DAVID R. PORTER.

To the Assembly Vetoing "An Act Authorizing the Qualified Voters of the City of Lancaster to Elect a Mayor, and Abolishing the Mayor's Court of Said City."

Gentlemen:

I RETURN TO THE SENATE IN WHICH IT ORIGinated, the Bill entitled "An act authorizing the qualified voters of the city of Lancaster to elect a Mayor, and abolishing the Mayor's Court of said city," without the Executive approbation, and with my reasons for withholding the same.

To the first four sections of the Bill, which relate to the election of Mayor of the city of Lancaster by the qualified voters, there can be no objections, and had the Bill contained no other provisions it would have been approved. The objections, however, to the 5th section, which provides for the abolition of the Mayor's Court, are insuperable.

I believe the provisions contained in this section are in direct opposition to the wishes of a majority of the citizens of Lancaster.—This is evidenced as well by the resolutions passed by the select and common councils of that city, on the 13th of February last, they being the representatives of the people of the city, so far as relates to its municipal regulations and internal police, as by a similar expression of sentiment made through a city meeting convened expressly for the purpose of ascertaining the opinions of the people as to the propriety of abolishing the court, and the remonstrance of a large portion of the inhabitants. The original Act of incorporation establishing the court, was passed at the request of the people of the then borough of Lancaster, on the 20th March, 1818, and after more than twenty years' experience the public sentiment of the citizens of the same place has been clearly expressed, that its provisions should remain unchanged.

When the city was incorporated it contained a population of about five thousand five hundred, it now contains nearly nine thousand inhabitants. If the amount of population furnished evidence of the necessity of the court at the time of its constitution, there can be no less necessity for it now.

From the best information obtained the jurisdiction committed to the Mayor's Court of the city of Lancaster, appears to be in safe hands and satisfactory to the people of the city who are chiefly interested therein. Nor would it appear that much expense would be saved to the people of the county by transferring the criminal jurisdiction to the Court of Quarter Sessions.

When the Bill was before the House of Representatives an amendment was offered proposing to submit to the qualified electors of the city of Lancaster, at the next general election, the question as to the expediency of abolishing the said court.

This amendment was rejected. Had it prevailed, I should not have withheld my sanction to the Bill, as thereby public opinion in relation to the matter could have been satisfactorily ascertained; as the court is a local one in which the people of the city are principally interested, its abolition would unquestionably be a proper subject to be given to them for their own decision.

There can be no safer mode than that of submitting every question of the kind to the citizens who are to be affected thereby. They are competent to pass upon the subject, and must know better than any others whether there is a necessity for abolishing the court in question. To take the opposite ground, in the government of the people, is in effect to deny their capacity for self-government, a doctrine which in this enlightened age can never for a moment be tolerated.

This proposition to submit the question to a majority of the qualified electors of the city having been rejected, I feel myself constrained to return the Bill with these my objections, that such further action may be had thereon as is provided by the Constitution.

DAVID R. PORTER.

Executive Chamber, Harrisburg, March 2, 1841.

To the Senate Nominating Joseph Keller to be an Associate Judge of the Court of Common Pleas for Monroe County.

Executive Chamber,
Harrisburg, March 6, 1841.

Gentlemen:

I NOMINATE JOSEPH KELLER, OF MONROE county, to be an associate judge of the Court of Common Pleas for said county, in the room of the Hon. Jacob Brown, deceased.

DAVID R. PORTER.

To the Senate Giving Certain Information Regarding Vacancies in the Office of Associate Judge.

Executive Chamber,
Harrisburg, March 6, 1841.

Gentlemen:

IN COMPLIANCE WITH THE RESOLUTION OF the Senate, of yesterday, requesting information as to "when and how" certain vacancies occurred in the office of associate judge, for which nominations were made by me, I submit the following statement:

The commissions of William Long of Bucks county, John Murray of Cambria county, Jesse Sharp of Chester county, and Joseph Adams of Huntingdon county, expired on the 27th day of February, 1841, according to the classification made by the Act of Assembly entitled "An act to classify the Associate Judges of the State," passed the 6th of June, A. D. 1839.

John Calhoun was commissioned on the 20th of March, A. D. 1840, by and with the advice and consent of the Senate, to fill a vacancy occasioned by the death of Joseph Rankin, whose commission would have expired according to the classification of the Act above recited, on the 27th of February, 1841.

DAVID R. PORTER.

To the Senate Withdrawing from Nomination the Name of John Fox as President Judge of the Seventh Judicial District.

Executive Department,

Harrisburg, March 9, 1841.

Gentlemen:

I WITHDRAW THE NOMINATION OF JOHN Fox, as President Judge of the seventh judicial district, having been requested so to do by the nominee.

DAVID R. PORTER.

To the Senate Withdrawing from Nomination the Name of John Calhoun as Associate Judge of Armstrong County.

Executive Chamber,
Harrisburg, March 12, 1841.

Gentlemen:

I WITHDRAW THE NOMINATION, MADE BY me on the 17th day of February last, of John Calhoun, to be an Associate Judge for the county of Armstrong.

DAVID R. PORTER.

To the Senate Nominating Associate Judges of the Courts of Common Pleas of the Several Counties.

Executive Chamber,
Harrisburg, March 15, 1841.

Gentlemen:

I NOMINATE THE FOLLOWING NAMED PERsons to be Associate Judges of the Courts of Common Pleas of the counties annexed to their names, viz:

Joseph Engle, Delaware county.

Abraham Goodwin, Bradford county.

Gilman Merrill, Warren county.

George Chorpenning and John M'Carty, Somerset county.

John Thomas and Thomas Taggart, Lycoming county.

Matthias S. Richards, Berks county.

James Winslow, Jefferson county.

John Patton, Clearfield county.

DAVID R. PORTER.

To the Assembly Transmitting a Document upon the English Educational System.

Executive Chamber,
Harrisburg, March 16, 1841.

Gentlemen:

I HAVE RECEIVED FROM MR. FREDERICK A. Packard, of Philadelphia, who has lately visited England and examined the system of education adopted in that kingdom, an interesting communication, relating principally to the best means of securing an adequate number of teachers of common schools, the best method of communicating moral, intellectual and physical instruction in those schools, and the best means of governing them.

As this communication contains valuable information, collected by an intelligent citizen, upon a subject of deep interest to the people of this Commonwealth, I have thought it proper to transmit, herewith, copies thereof, to the General Assembly, for their consideration, and with the hope that the information thus gratuitously collected, may be generally disseminated.

DAVID R. PORTER.

To the Senate Nominating Thomas Burnside to be President of the Seventh Judicial District.

Executive Chamber,
Harrisburg, March 17, 1841.

Gentlemen:

I NOMINATE THOMAS BURNSIDE, OF THE county of Centre, to be President Judge of the seventh judicial district, composed of the counties of Bucks and Montgomery.

DAVID R. PORTER.

To the Senate Nominating Associate Judges of the Court of Common Pleas of Fayette County.

Executive Chamber,
Harrisburg, March 20, 1841.

Gentlemen:

I NOMINATE ROBERT BOYD AND ELI ABRAMS to be Associate Judges of the Court of Common Pleas of Fayette county.

DAVID R. PORTER.

To the Assembly Concerning the Harrisburg Water Works.

Executive Department,
Harrisburg, March 22, 1841.

Gentlemen:

I HAVE RECEIVED A COMMUNICATION FROM the watering committee of the borough of Harrisburg, from which it appears that the expenses of erecting works for supplying the borough with water, and of introducing the same into the Halls of the Capitol, have exceeded the estimates of the town council, and proposing to enter into contract with the Commonwealth for supplying the public buildings with water for such sum, in addition to the amount authorized by the Act of 28th April, 1840, as will be just and reasonable.—Copies of this communication are herewith transmitted for the consideration of the General Assembly.

The beauty, strength and sufficiency of the Harrisburg Water Works, bear highly creditable testimony to the energy and enterprize of the town council, repre-

senting the people of the borough. The security to the Capitol, and adjacent buildings, and the convenience and comfort of the members of the General Assembly, which these works afford, are in my opinion, a full compensation for a liberal annual allowance, which will, I trust, be made on the part of the Commonwealth.

DAVID R. PORTER.

To the Senate Nominating Associate Judges of the Court of Common Pleas of the Several Counties.

Executive Chamber,
Harrisburg, March 24, 1841.

Gentlemen:

I NOMINATE THE FOLLOWING NAMED PERsons to be Associate Judges of the Courts of Common Pleas of the counties annexed to their names, viz:

James Bell, and John Moorhead, Westmoreland county;. George Dare, York county.

DAVID R. PORTER.

To the Assembly Vetoing a Resolution Relative to the Disbursement of Money for the Repair of the Huntingdon Breach.

Gentlemen:

I RETURN TO THE HOUSE OF REPRESENTAtives the resolution entitled "Resolution relative to the disbursement of money for the repair of the Huntingdon breach," with a brief statement of the

reasons which render it my duty to withhold my approbation of the same. Having on the 15th of May, 1840, felt it to be my duty to interpose objections against the passage of a law on the same subject, I need hardly say more now than to refer to my message of that date, upon your Journals, for the facts ascertained by proof in regard to it, none of which, so far as I know, have been contradicted or disproved, and I shall content myself with stating what appear to me to be insurmountable objections to the mode of settlement proposed in the resolutions under consideration.

The joint committee to be appointed by the Speakers of the two Houses to settle the accounts referred to in the resolutions, is to be invested not merely with the ordinary power of investigating and reporting on the subject, but with the anomalous power of acting in a judicial capacity, and of reporting to the Auditor General, instead of the Legislature.

I am not aware that such a power ever was conferred on a committee of the Legislature in Pennsylvania, and as it seems to me to be both inexpedient and dangerous, I cannot lend it my sanction. Investigating committees of the Legislature, however respectable and honestly disposed, do not seem to be fit repositories for judicial power. They cannot, in the nature of things, be so familiar with the law as judges ought to be, nor do their official avocations admit of that coolness of reflection and consideration, that should be bestowed on subjects in nowise connected with mere legislation, but exclusively relating to the administration of the laws. If members of the Legislature can be appointed on committees to investigate subjects of this nature, and to make reports to the Auditor General, which he is to regard without examination or responsibility, why not in process of time appoint similar committees to report decisions

to our courts, and to all other departments of the government? No one can foresee where this innovation will end, nor to what purposes of injustice it may be hereafter applied. It is not supposed to be so intended in this case; I am only referring to what may very readily be its future abuse. If this practice is introduced into this Commonwealth, it will be without my sanction.

The accounts are to be settled on "just and equitable" principles, but upon the vouchers, &c., produced by the accountants. This of course precludes all inquiry into the facts touching the nature and validity of those vouchers, and opens the door wide for the escape of those who have, as has been proven, perpetrated or countenanced the perpetration of gross frauds on the Commonwealth. This mode of settling these accounts, I never can approve, and I most distinctly asserted this determination to the Legislature, in the message to which I have already referred. Nothing has occurred to justify a change in this determination, and no one can reasonably suppose that I would, without such justification, approve a measure that would change it in all material respects.

Another objection of considerable weight, is the fact, that an appeal is only given to the accountants in case they are dissatisfied with the settlement made upon their own "vouchers and evidences," produced by themselves. The right of trial by jury is secured by the Constitution to the most abject criminal of the land; yet in the resolutions before me, the Commonwealth is denied the right of appeal. What is there in the conduct or services of those persons so singularly meritorious as to require that they or the settlement of their accounts should be removed beyond the reach of an investigation before the ordinary tribunals of the country; and that one so novel in its character should be created specially for the adjudication of

their case, and withholding from the adverse party the right of a trial by jury, on an appeal?

The Governor of this Commonwealth, on a certain emergency, procured from certain banks, without authority of law, a sum of money to repair a breach on the public improvements. The money is alleged to have been paid out to certain agents or officers on the canal; and as it was not paid through the treasurer, there is no evidence on the books of that department of who got the money or what became of it. Is there any thing unreasonable or wrong in the opening of accounts and charging this money to whoever may have received it, and authorizing the officer of the accountant department to call on them in the usual manner to show what has been done with the money paid to them? From the decision of that officer, every accountant has, by the existing laws, the right to appeal to the Court of Common Pleas of the county. That appeal is obtained as readily as from the judgment of a justice of the peace; and either party can carry it to the court of the last resort.

In a message to the House of Representatives, on the 9th of February last, I distinctly informed the Legislature that I never could conscientiously sanction any bill which had for its object the release of those persons from all accountability for the expenditure of that money. I am as sincerely anxious as any one that the money should be repaid to the banks from which it was procured; and whenever the Legislature shall deem it right to authorize the charging of the money to the persons entrusted with its disbursement, there can be no further objection to its repayment; and to a law having this end properly secured, it will afford me great pleasure to give my approbation.

DAVID R. PORTER.

Executive Chamber, Harrisburg, March 27, 1841.

To the Senate Nominating John K. Findlay to be Recorder of the City of Lancaster.

Executive Department,
Harrisburg, March 30, 1841.

Gentlemen:

I NOMINATE JOHN K. FINDLAY, TO BE Recorder of the city of Lancaster, in the room of Patton Ross, whose term of office expired on the 27th day of February last.

DAVID R. PORTER.

To the Senate Nominating George W. Woodward to be President Judge of the Fourth Judicial District.

Executive Chamber,
Harrisburg, March 30, 1841.

Gentlemen:

I NOMINATE GEORGE W. WOODWARD, OF the county of Luzerne, to be President Judge of the fourth judicial district, composed of the counties of Huntingdon, Mifflin, Centre, Clearfield and Clinton.

DAVID R. PORTER.

To the Assembly Vetoing "An Act to Enable the Owners of Certain Marsh Meadow Lands in the County of Delaware, to Erect a Cross Bank and for Other Purposes," including certain Legislation for the Chester County Prison.

Gentlemen:

THE BILL ENTITLED "AN ACT TO ENABLE the owners of certain marsh meadow lands in the township of Kingsessing, in the county of Philadelphia, and in the township of Tinicum, in the county of Delaware to erect a cross bank to protect said lands from inundation, and for other purposes," having received at my hands proper consideration, I have directed it to be returned to the House of Representatives, in which it originated, withholding my approbation, for reasons which I shall briefly assign.

My objections are to that portion of the Bill which changes the Act of the General Assembly, passed the first day of February, A. D. 1839, entitled "An act relating to the prison of the county of Chester."

That Act, in consequence of the prison being unfinished, did not go into operation till some time in April, 1840. Less than a year, therefore, has elapsed since the experiment of the new system provided for by the law commenced, and sufficient time has not been allowed to give it a fair trial. So far, however, as the operations of the law have been tested, the result appears to have been satisfactory. No complaint has been made by the official visitors of the prison, residing within the county of Chester; and if defect existed, it could scarcely have escaped the observation of some of them. They consist of the Deputy Attorney General, the judges of the courts, the grand juries, the commissioners and the sheriff. On the contrary

the grand jury in their report at the last February term, declared, unanimously, their satisfaction with the institution, under existing regulations.

The provisions of the Bill, giving to the commissioners of the county the appointment of a majority of the inspectors, appears to me to be an unnecessary change and highly objectionable. It unquestionably hurls the whole establishment into the vortex of politics, and tends to render its management unstable. The unsparing proscription of party may be brought to operate upon it. This ought to be most specially guarded against. The keeper may be changed by every annual election, and the important and delicate duties devolving on that officer, which require peculiar qualifications and time for some experience, may rarely be acquired. The efficiency of the system mainly depends upon him. Its success and beneficial operations may be jeopardized or prevented by subjecting him to the fluctuations of party. His official connection with the prison should depend exclusively on his fitness for the station, and not upon his politics. If there is any one officer concerned in the execution of the laws, whose tenure should be wholly independent of the fluctuations of political opinion, it is the keeper of a public prison. The appointment of a majority of the inspectors is much better vested in the judges of the court, as is the case under the Act of 1st February, 1839, whose duties require them to administer criminal justice, and who are thus brought by their station, in close connection with the subject of prison discipline. Their vigilance is likely to be quite as sharp and active at least, as that of the commissioners. Their appointments will partake of the stability of their own tenure, and will be made in the independent and impartial spirit that belongs to the judicial station.

That feature of the Bill which provides for the appointment of keeper by the inspectors, and an under-keeper by the court, and for the removal of the latter officer on request of the inspectors, is also objectionable; for it makes the under-keeper, in a measure, independent of the keeper, who is intended by the law to have the principal charge of the institution, and is calculated to produce confusion and conflict of authority, where all should be order and subordination. It divides the responsibility of the management, and renders a defective administration of the rules of the prison more difficult to remedy. It is calculated also, to create unpleasant feelings between the inspectors and the court, who may be required to remove an officer of their own appointment, without an allegation of a fault, and that as often as whim, caprice, or political dislike may prompt.

The section declaring that the original Act shall not be so construed as to prevent the inspectors from choosing the sheriff as keeper of the prison, appears to me to be highly injudicious; for the duties required by the law cannot be performed by the sheriff. His business often and necessarily requires his presence in distant parts of the county, for several consecutive days, and is quite sufficient to occupy the whole attention and mind of any one man. To make the sheriff a keeper, would be to add to his emoluments, without deriving from him any additional services. The same number of officers would be required for the management of the prison that now are, independently of the sheriff, and the expenses therefor would be increased. In a matter in which economy is so desirable, this is an important consideration. It may be said, however, that the bill does not require the sheriff to be appointed keeper, but leaves it optional with the inspectors. But why confer the power, if its exercise would be improper?

The Moyamensing prison in the county of Philadelphia, the board of inspectors of which, though greater in number, are appointed in a manner nearly similar to those of the Chester County prison, furnishes an example of the wisdom of the Legislature, in passing the original Act regulating the affairs of the latter prison. In the former prison, the system now in force in the latter, has had the test of time, and has been found to be in a great measure, if not altogether, unexceptionable.

From an impartial consideration of all the facts, I have satisfied my mind, at least, that, until the system provided for by the original Act has had the full test of experience, further legislation on the subject may be prudently dispensed with. I cannot perceive that, at this time, there exists any pressing necessity, on the score of economy or otherwise, for modifications of the orginal Act.

DAVID R. PORTER.

Harrisburg, April 2, 1841.

To the Assembly Announcing the Death of William Henry Harrison, President of the United States.

Executive Department,
Harrisburg, April 5, 1841.

Gentlemen:

INTELLIGENCE HAS BEEN RECEIVED THAT WILLIAM HENRY HARRISON, President of the United States, has paid the debt of nature. He departed this life at the President's House, in the city of Washington, on yesterday morning.

The public services and the private worth of this distinguished citizen, who had just been elevated to the highest station in the republic, call upon the General Assembly of this Commonwealth, on behalf of our common constituents, for the appropriate testimony of public feeling which are inspired by this melancholy event.

DAVID R. PORTER.

To the Assembly Concerning the Proceedings in Relation to the Death of William Henry Harrison, President of the United States.

Gentlemen:

EXTRACTS FROM THE JOURNALS OF BOTH Houses of the Legislature, containing their proceedings in relation to the death of William H. Harrison, late President of the United States, have

been forwarded agreeably to your request, in a letter to his family, a copy of which is herewith transmitted.

DAVID R. PORTER.

Executive Chamber, Harrisburg, April 8, 1841.

To the Family of William Henry Harrison, Late President of the United States, Transmitting the Proceedings of the Legislature of Pennsylvania on the President's Death.

Executive Department,
Harrisburg, April 7, 1841.

To the Family of William Henry Harrison, Late President of the United States:

IMPRESSED WITH FEELINGS OF THE DEEPEST sorrow by the bereavement which has deprived the family of the late President of a kind, indulgent and affectionate husband and father, and the Nation of one of its most distinguished citizens, I comply with the request of the General Assembly, representing the freemen of the Commonwealth of Pennsylvania, and enclose their proceedings, adopted upon receiving the intelligence that the President of the United States was no more.

The heavy loss which, by this dispensation of Divine Providence, has fallen upon the family of the late President is mitigated, so far as by human means it can be mitigated, by the condolence and sympathy of the whole Nation in which the people of this Commonwealth with one accord unite.

Trusting that you will be sustained under the weight of this affliction by the hopes and consolations that spring from entire reliance upon our Almighty Father,

I have the honor to be,

Your obedient servant,

DAVID R. PORTER.

To the Assembly Vetoing "An Act Relating to Banks, and to Provide for the Better Government Thereof."

Gentlemen:

THE BILL ENTITLED "AN ACT RELATING TO Banks, and to provide for the better government thereof," is herewith returned to the Senate, in which it originated, without the Executive approbation, and with the following reasons why that sanction is withheld.

This Bill relates to a subject of deep and universal interest to the people of Pennsylvania; and to its consideration I have brought all the energies of my mind, and all the lights that an experience of upwards of half a century has furnished. I cannot persuade myself that duty or patriotism would justify my sanction of its provisions. Some things contained in it I would gladly approve, but I cannot believe that the penalties imposed on the banks, so far as relates to the citizens of this Commonwealth, ought to be repealed or that the issue of notes under the denomination of five dollars by the banks, to an amount of six millions of dollars, for the term of five years should be authorized.

It would be useless to go into a discussion of the causes which have led to the present derangement and embarrassment of our monetary affairs. It is enough to know that they exist, and that our banking institutions, generally, have been unable to meet their engagements. We have had three bank suspensions in less than four years. The result is an almost entire destruction of the confidence of the public in our banking institutions. The intimate connection existing between our banks has involved all in one common fate. Those conducted with prudence and care, are suffering from the misconduct of others. That there are some great and cardinal errors in the mode of conducting our banking operations, must be obvious to

all, or those things would not occur so frequently as they have done. The public will, seeking the public good, has required that these errors should be corrected. That correction, all must be aware, cannot take place at any time, without cases of individual suffering and hardship. These are to be regretted, but yet they ought not to prevent the correction of greater evils to the public at large. The indulgence given to the banks by the resolution passed on the 3d day of April, 1840, which suspended existing penalties for not meeting their engagement until the 15th January last, it was hoped would have enabled them then fully to resume. When I approved those resolutions, I believed it was necessary to give the banks and the people some time to meet their engagements. That given, however, was greater than I then apprehended to be necessary, or exactly satisfactory to the public. But as it was a mere question of expediency as to time, I yielded my assent, rather than run the risk of having no legislation on the subject. The indulgence thus given, was dictated by a spirit of extraordinary forbearance, and the public fully expected that at the time appointed, the banks would be fully able to meet their engagements. Such were most certainly my own expectations. Those expectations unfortunately have proved to be groundless. The banks are now in a state of general suspension, and this bill is designed by the Legislature as a remedy for the evil, and a relief to the community. Let us examine how far it seems likely to answer the end proposed.

The principal features of it are, that it repeals absolutely and unconditionally, the penalties and forfeitures to which the banks of this Commonwealth are subject for the non-payment of their liabilities on demand, and renders the banks liable, as natural persons or individuals are, agreeably to the laws of this Commonwealth, for the payment of their bills, notes and other liabilities; and also, that it authorizes the banks

for the term of five years after the passage of this Act, to issue, circulate, and receive bills or notes of the denomination of one, two and three dollars, to an amount not exceeding fifteen per cent. on the amount of capital actually paid in. It also provides sundry regulations, and imposes certain restrictions upon the banks. Some of these restrictions and regulations are wise and salutary, but many of them are, in my opinion, calculated to produce far more mischief than good.

In relation to the repeal of the penalties and forfeitures, and placing the banks on the same footing of natural persons, it seems to me that the bill is peculiarly objectionable in several material respects. It prescribes no time when the repeal shall cease to be operative, and it saves none of the special provisions of the law under which, independent of the penalties and forfeitures to which the banks are subject, they may be required to pay their liabilities. It seems to me that it would have been far better, if any law of this nature is to pass at all, instead of repealing absolutely the penalties and forfeitures, to suspend the law imposing them for some definite period of time. They would then, at the expiration of that time, again take effect without any positive legislation upon the subject. But agreeably to the provisions of this bill, they are repealed forever. Should subsequent events require their re-enactment, we might be met with the objection, that the charters are inviolate; that the provisions of the bill in question, when accepted, became part of the same, and that the Legislature possess no power to re-inforce the existing penalties so taken off.

Great caution should be exercised in the passage of laws affecting corporations or private rights, and private remedies in regard to them. Corporations being creatures of the law, and acting only by its express authority, and being responsible only in the manner pointed out by the law, may, by a hasty and inconsid-

erate alteration of the law, the whole operation of which was not foreseen at the time of its passage, be ruinously crippled in their actions, or placed beyond the reach of the citizens who may have dealings with them, or demands upon them. There are so many different modes in which the banks of this Commonwealth are connected with the general interests of the community, and there are so many legal provisions regulating that connection, that it appears to me to be an extremely hazardous experiment to say, that so far as respects demands against them in their corporate capacity, they shall be repealed, and the banks be placed on the footing of natural persons or individuals. At the first glance it appears to be plausible, but it may result in a manner very prejudicial to the community, or to the banks, or possibly to both. Without tracing its operations further, it would relieve the banks from a serious inconvenience in giving bail on suits brought, and on appeals from awards obtained against them; although the popular impression is, that it would free them from no such liability. There may be other changes which it would effect, but I shall not occupy any time in following them out. It would have been perfectly convenient to have simply provided on this subject, that so much of any laws of this Commonwealth as relates to penalties imposed upon the banks, or the forfeiture of their charters, should have been suspended, leaving all the other laws for enforcing demands against them untouched. Then all the questions that can relate to the enforcement of the law, for the collection of demands against the banks, would have been provided for, and it would have been known precisely what the condition of the banks was, but not so under this law which places them in the same general class with natural persons or individuals.

So far as respects the authority given to the banks to issue and circulate notes under the denomination

of five dollars, I beg leave to refer you to my annual messages transmitted to the Legislature of last year and to the present Legislature, for my general views. The untoward circumstances which have placed the banks of this Commonwealth in their present situation, are to be deeply regretted, and in no particular more so, than in the embarrassments thereby created, in procuring small sums for the common purposes of change among the citizens in their various transactions. These embarrassments are, undoubtedly, in many instances, a severe hardship upon the community, but the question presented for consideration is, whether this mode of relief would not, in the end, be more injurious to the community than the temporary inconvenience they now suffer. This provision would authorize the issue and circulation of bank notes for less than five dollars, to the amount of six millions of dollars and upwards, and we might then well despair of seeing a dollar in specie in circulation.

Whatever arguments might be adduced in favor of a limited amount of small notes, for a short period, to aid in the resumption of specie payments, the force of which has not been conclusive upon my mind, the amount authorized by this bill, and the period of time during which they are permitted, are, in my judgment, greater than can be required by the exigency of the occasion, or than the people of the Commonwealth would willingly tolerate. The latter part of the same section, too, for the first time in the legislation of Pennsylvania, expressly sanctions the issue of post notes. No portion of our citizens, so far as I have been informed, have asked this at the hands of the Legislature; and the policy of issuing them by the banks, has been more than rendered doubtful by the experience of past years, and has been loudly reprobated.

I have already stated, that the regulations and restrictions imposed upon the banks, were, some of

them, wise and salutary, and I shall confine my notice only to some of the principal ones which I consider peculiarly objectionable. In the first place, this bill provides that the directors of any bank, individually or collectively, shall not contract any liabilities to the bank exceeding certain limits; that is, when the capital stock actually paid in does not exceed $250,000, the amount of such liability shall not exceed the one-sixth part of the aggregate loans of such bank; and proceedings to provide, that as the capital of each bank increases in amount, the relative proportion of liabilities shall also be increased. At a cursory glance, this provision might appear to be a very considerable security to the public against the monopolizing rapacity of bank directors; but upon more mature consideration, it will be manifestly fraught with dangerous consequences. One of the most grievous complaints against the banks of this Commonwealth, has been their over issues and expansions. The direct tendency of this provision seems to me to produce them. If, for instance, a bank has made loans to an amount of $100,000, the liability of all the directors can only amount to one-sixth of this sum. But should they wish to obtain more, they have nothing to do but to increase the extent of loans to $200,000, or to any other sum, without limit, and they can increase their own liabilities to one-sixth that amount. It is evidently, therefore, offering a direct inducement to expand their circulation, and that, too, perhaps, by loaning their money to unsound borrowers, or for purposes not calculated to promote the interests of the public. I cannot, therefore, yield my assent to such a provision as this.

The cashiers of the banks are specially entrusted with all their cash and other property; yet by the sixth section of this bill, they are prohibited from keeping any private or individual account with the

banks of which they are cashiers. If there be wisdom or additional security to the public in this, it is, I confess, beyond my comprehension.

A material change in the number of votes to which stockholders of banks shall be entitled, is also made. It is provided that every share of stock not exceeding fifty, shall be entitled to a vote, and a proportionate increase of votes to the number of shares of stock held is extended to an indefinite number. By the law as it stood before, fifty shares of stock were entitled to thirteen votes, with a relative proportion for any number of shares. It appears to me that the effect of this change would be, to place the control of each bank in the hands of a few persons, and to enable them to monopolize its management. I cannot think, therefore, that this provision is calculated to advance either the interests of the banks or secure the interests of the public.

This bill further provides, that directors hereafter to be elected, in banks with an amount of capital stock paid in not less than three millions of dollars, shall be holders, in their own right, of not less than three thousand dollars of the stock of said bank, and extending a like proportionate qualification to the directors elected in all other banks: and further providing, that persons to be elected State Directors in the Bank of Pennsylvania and in the Philadelphia Bank, shall be stockholders to the amount of one thousand dollars, and in the Columbia Bank and Bridge Company, to the amount of five hundred dollars. This whole system here proposed to be established, of requiring the directors of the several banks of this Commonwealth to be holders of stock to so large an amount, seems to me to be exceedingly objectionable. It places the control of the banks, at once, in the hands either of the rich or of the large stock jobbers and stockholders. So far as respects the country banks, in particular, its

operation will be a hard one. It will amount to a disfranchisement of some of the most competent and efficient bank directors in the Commonwealth, and will eventually place the banks in far less competent hands than even those that now manage them. The banks are already artistocratic enough without the addition of this, which is in effect, a property qualification to their directors. I can see nothing so peculiar in the character and duties of a bank director, as to require that he shall possess from five hundred to three thousand dollars of property to qualify him for it, when no other office in this Commonwealth requires a similar qualification. Nor do I know that experience shows that it is a wise standard to measure a man's intelligence or capacity by the length of his purse. Nor can I believe that in this enlightened age, such a standard ought to be adopted.

As respects the State directors in the banks referred to, it appears to me that the interests of the public will be far more likely to be secured by the election of state directors who have no stock, or a very small amount, than by the election of those who are interested in having so large an amount of stock as this bill requires. The stockholders in these several banks are fully represented by the directors, whom they elect themselves, and the State, which has not a full proportion of representation in the board of directors, according to the amount of stock she holds, is supposed, in theory at least, to be represented by the State directors elected by the Legislature. Is it not unreasonable, therefore, to require that those who are to represent the interests of the State, which may sometimes be adverse to those of the stockholders, should also be so deeply interested in representing the stockholders, who have more than their fair share of representation already? I cannot approve this feature of the bill.

The provisions in the 18th section, requiring the banks of this Commonwealth to issue and pay out none but their own notes, without the consent of the parties to whom the same are tendered, is rendered wholly nugatory, by the exception of "special contracts."—Banks can very easily evade the operation of this section by making a special contract with all those who deposit money with them, and obtain discounts from them, to take payment for the same in current bank notes, or in such manner as they may choose to specify. It is useless to enact a law which can so easily be rendered inoperative.

The authority given to the stockholders of the Bank of the United States to reduce its capital from thirty-five to fourteen millions of dollars, has never been asked for by either the directors, or the stockholders of that bank, and in the form which this bill prescribes seems to me to be unwise and unnecessary. If the Legislature is of the opinion, as a great many of the citizens of the Commonwealth undoubtedly are, that the capital of that bank is too large, this bill should have provided imperatively, that in order to entitle the bank to enjoy the indulgence which it gives, the capital should be reduced to such sum as seemed compatible with the public safety and public interest. This bill, however, leaves it entirely to the discretion of the stockholders, whether its capital should be reduced, and in case the stockholders shall choose to make the reduction, then the bank is to be released from the obligation imposed upon it by its charter, of making a permanent loan to the Commonwealth, not exceeding six millions of dollars, and a temporary loan not exceeding one million of dollars in any one year, at an interest of four per cent. The bank is to continue to enjoy all its exclusive privileges, for the length of time for which it was incorporated, and to be released from this obligation which at the time of

its creation was considered one of the most beneficial to the public contained in its charter. The bank affects to treat its charter as a contract between its stockholders and the State. It has very recently succeeded in pleading that contract as a protection against the provisions of the resumption resolutions passed 3d April, 1840. A highly competent court has decided, that, under the laws and constitution, its charter exempted it from the operation of those resolutions of the Legislature, without proof of the assent of the bank to be bound by those resolutions; and now it is proposed by this bill to extend a most liberal boon to the bank, without subjecting it to the laws and regulations of the Legislature which control the other banks of the Commonwealth.

But in relation to this section of the bill, a much more grave question is presented. The 25th section of the 1st article of the Constitution of this Commonwealth provides, that "no corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges, without six months previous public notice of the application for the same, in such manner as shall be prescribed by law. Nor shall any charter, for the purposes aforesaid, be granted for a longer period than twenty years, and every such charter shall contain a clause reserving to the Legislature the power to alter, revoke or annul the same, whenever in their opinion, it may be injurious to the citizens of the Commonwealth, in such manner however, that no injustice shall be done to the corporators."

It is conceded that no notice, such as is required by this section of the constitution, and the Act of 1st June, 1839, passed in pursuance thereof, has been given in relation to the bill now under consideration. The 17th section of this bill does certainly absolve the Bank of the United States from some of the conditions imposed upon it by the Act granting its charter,

and if the provisions of that section do not come within the letter of the 25th section of the 1st article of the Constitution, they certainly come within the intention of it, which was to give the public notice of all intended applications for creating or changing the charters of monied institutions. If this section of the bill in question should be deemed to come within the section of the Constitution quoted, it omits the very important provision which the Constitution requires of a reservation to the Legislature of the "power to alter, revoke or annul the same," when found injurious to the citizens of the Commonwealth, upon the terms of doing no injustice to the corporators.

These are the principal objections to the form and details of this bill, that present themselves to my mind; and in addition to these, there are others, which would render this bill, as a measure of relief, either to the banks or to the public, wholly unavailing. I have retained this bill without returning it to the Legislature, almost to the latest period when I could do so with the power of returning it with my objections, for the purpose of ascertaining, if possible, the views of the most enlightened practical business men in the community in relation to its various provisions; and I speak advisedly when I say, that if this bill were to become a law, it is questionable whether one-tenth of the banks of the Commonwealth would accept of its provisions. Indeed I can scarcely find among either the friends or the foes of the banks, or among any party, notwithstanding the extent of my intercourse with the citizens of the Commonwealth, from all quarters, any intelligent person who now believes that this bill ought to become a law. When it first was presented to me, I examined it in vain for a single provision which promised either to give relief to the banks or to the people, and I feel strongly forti-

fied in my convictions upon the subject, by the coincidence of the opinions of almost all practical persons who, so far as I know, have expressed opinions in all quarters of the Commonwealth, and engaged in all pursuits of life.

The present condition of the banks and the citizens of Pennsylvania is calculated to awaken our most earnest and serious consideration. With an ample amount of resources to meet all their liabilities, and with the assurance that those resources are hourly multiplying, our pecuniary affairs are surrounded with embarrassments and difficulty, and the forebodings of many, for the future, seem to afford little to cheer or to encourage. I do not myself believe that there is any real ground for the despondency that seems generally to prevail. We have met with a slight revulsion of fortune, and without awaiting to estimate its true extent, are seized with panic and apprehension. I fear that neither the measures adopted by the Legislature, nor the language held by many of its members, is calculated to dispel this panic and apprehension. It is one of the incidental evils of a government like ours, that not only the condition of the public, but every action of those entrusted with the government, is liable to innocent misunderstanding, or to interested misrepresentation. The instant a slight disturbance in the prosperous business of the country occurs, either from any derangement of the general laws of trade, or from the mismanagement of the banking institutions of the country, or from any combination of causes not easily developed, it is seized hold of and made a theme of partizan declamation against those who happen to differ in their political opinions from the declaimer. Truth is too often sacrificed to expediency, and the welfare of the public made to yield to the private or personal interests of those who are contending for power. By such means

as these, is the public mind harrassed and disturbed; business men are checked or driven from their avocations; the resources of the country depreciated, and the measures designed for the relief of the people thwarted and rendered fruitless. What but the operation of such a state of things as this, could have produced the prevalent impression that the great and substantial State of Pennsylvania, with her rich and cultivated fields—her inexhaustible coal mines—her numerous furnaces and foundries, was on the verge of bankruptcy—her citizens within the very jaws of ruin—her business men of all kinds languishing on the very point of general prostration and annihilation? It is true that the banks of Pennsylvania have suspended specie payments, and many of her citizens have, by engaging in somewhat too extensively in business or speculation, become considerably involved in debt and embarrassed; but her banks, with possibly one or two exceptions, have ample means to meet all the demands upon them; and those of her citizens who are embarrassed, with few exceptions, have abundance of property, which may not be convertible instantly into money, sufficient to pay all their debts; but the resources of the entire people of the State would, almost in a single year, liquidate all the demands that can be made upon them from abroad. Under such circumstances as these, communities must regulate themselves by the same general rules of wisdom, prudence and economy, which never fail to extricate individuals from similar difficulties. The substantial means of the people of Pennsylvania to pay off all their liabilities, are not in the slightest degree impaired. The people of this Commonwealth need nothing but a little time, reasonable patience under temporary evils, the application of their own persevering and hardy industry in producing and transporting to market her two great staples, coal and iron,

and the propitious blessings of Heaven upon her harvest fields, to replace them upon that solid footing of prosperity and independence which they so proudly occupied before they were hurled from it by the rash and headlong spirit of speculation. Those who, with their eyes open to these things, will persist that Pennsylvania and her citizens have been precipitated into the bottom of the gulf of bankruptcy, must be permitted to cherish the phantoms of their own creation, and wait until the common sense of the people, and the return of prosperous times, have convinced them of their error. Those who believe that their own interests or those of the political party with which they happen to be associated, will be promoted by traducing the credit of the State, and representing her condition to be one of hopeless indebtedness and distress, must be allowed to pursue the course which they have seen fit to adopt, until the unerring intelligence of the people has detected the deception, and held them up to the reproof of all honest men, for attempting to practice upon their credulity. Pennsylvania, like most of the Sister States of the Union, and some of the commercial nations of Europe, has engaged beyond her available means, in trade, enterprizes of improvement, and speculation, but her recuperative energies will enable her to take the lead of all of them in extricating herself from the embarrassments which beset her. Her resources are of a nature that seldom fail in furnishing an annual supply, and never can want a market. The industry of her citizens is untiring, and they love not only their State, but its independence, too well to repine at the payment of a few dollars tax, or the suffering of a temporary inconvenience, to see that State placed beyond the reach of fruitless demands made upon her justice, or unanswered calls upon her honor. A few may be found, who would persuade them that their property and in-

dustry are to be taxed forever, and who would inculcate the unworthy sentiment that those who are in favor of maintaining the faith and honor of the State untarnished, are the foes of the people, but they meet with no encouragement from the great mass of honest men, and are justly regarded as faithless or interested advisers. On this important subject, public feeling is sound and united, and will do much to direct the efforts, and inspire confidence and resolution among our citizens.

Owing to its peculiar geographical position, the city of Philadelphia is made the great distributing mart of foreign and domestic goods and manufactures, for a large portion of the Western and Southern states of the Union. This circumstance has rendered both the banks and her citizens debtors to a large amount to New York and the Northeastern states, and to Europe, and rendered the purchasers of these commodities in the West and South, in the same manner indebted to Philadelphia. The moment the banks of Pennsylvania resumed specie payments on the 15th January last, large demands upon the banks, merchants and citizens of Philadelphia, which had been held in reserve in New York and the Eastern States, both on the account of the citizens of those states, and on account of the foreign creditors of Philadelphia, were presented to the Philadelphia banks for payment in specie. Nearly eleven millions of dollars in specie, or specie funds, were, I believe, drawn from the Philadelphia banks during the nineteen days they continued specie payments, and immediately taken out of the State. This enormous sum so drawn out of the Philadelphia banks, and the manner in which it was disposed of, strongly leads us to the belief, that there must have been some combination or understanding among those by whom it was obtained, to make an almost simultaneous rush upon the Philadelphia

banks, either for the purpose of compelling them again to suspend, or of restraining in some way, their general operations.

It is believed that there are large sums still due from the banks and citizens of Philadelphia, to the citizens of other states and to foreign creditors. Under the laws of this Commonwealth, imposing penalties and augmented rates of interest upon the banks, these demands will undoubtedly be made, and their efforts for the relief of the citizens of this Commonwealth be fatally restrained and crippled.

The banks of Pennsylvania having been established for the benefit of the people of Pennsylvania, the enforcement of the penalties to which they are subject may be safely left in the hands of the people. So long as the existence of the banks is believed to be useful, and their general conduct is such as to deserve and secure the confidence of the public, they will not be disturbed, although hourly liable to the infliction of the penalties which the laws prescribe. —Experience on former occasions during suspensions, clearly demonstrates this. If it be the interest of the public that the banks should continue to exist, it is the interest of the banks to conduct themselves in such a manner as to satisfy the public that such is the fact. If the public forbear towards the banks to enforce the penalties, the banks should doubtless forbear towards the public to produce distress and embarrassment. The banks can do much by the mode in which they treat their debtors, to create or diminish our pecuniary difficulties. They have not only a right, but it is their duty to exact adequate security from their debtors; but should they press them unreasonably—should they bring to a Sheriff's sale, and consequent sacrifice, the property of those who, by a safe and reasonable course of treatment, might have paid them, they will peril that public confidence

which under the law is the shield of their protection. In times of hardship and difficulty like the present, mutual justice and mutual forbearance on the part of the banks and the people, is the great guaranty for the rights and interests of both. Let the banks of Pennsylvania therefore act with discretion and justice, and they have nothing to fear from the citizens of this Commonwealth. But the citizens of other states, and the foreign creditors to whom I have above referred, have neither the same interests nor perhaps the same inclination, in extending indulgence to the banks of this State, to promote mutual advantage. It will be within their power to harass them, and thus to augment, in a very great measure, the difficulty and embarrassments under which the citizens of this Commonwealth suffer. It seems to me to be the part of duty, and I can see no injustice whatever in protecting the citizens of this Commonwealth from this impending calamity. I regret that the Legislature, after a session of three months, should not have devised and presented to me something that would secure this salutary object. I would most cheerfully approve of any measure that will protect the banks of this Commonwealth from being crippled in their operations, and from the forfeiture of their charters, by combinations of brokers and sharpers of other states and of Europe, to exact the penalties which were originally designed for the safety and security of the people of this Commonwealth. Let those persons having demands against our banks be deprived of no civil remedy which can be afforded by the law; let our courts remain open to them; let them recover judgments and enforce them by execution, with such interest as is allowed in other like cases of debt; but the penalties, which can be enacted only at the hazard of creating embarrassment and difficulty among our citizens, should be reserved to be enforced by our own

citizens, who are so deeply interested in the consequences. Let those who are to feel the effects, judge who thus will strike the blow. Such a law as this would be a measure of self preservation, and could give no just ground of complaint to those who would be deprived of no legal right they now enjoy, and of no privilege but that of annoying and disturbing their neighbors, without obtaining any benefit for themselves.

In all our legislative acts we should remember, that without encroaching upon the rights of the citizens of other states, our first and highest duty is to take care of the interests of Pennsylvania.—This is expected from us by the people, and less than this would be an unpardonable shrinking from our duty.

DAVID R. PORTER.

Executive Chamber, April 8, 1841.

To the Assembly Concerning an Obstruction in the Susquehanna River.

Gentlemen:

IT HAS BEEN REPRESENTED TO ME BY William Bigler, a delegate appointed at a meeting of citizens interested in the navigation of the river Susquehanna, held on yesterday at the house of M. Stoner, in Dauphin county, that the schute in the dam erected in the Susquehanna river, by the Susquehanna Canal Company, at the mouth of Conestoga creek, is impassable for rafts of lumber and other craft; that near one thousand rafts are intercepted by this obstruction, and lying on the shore of the river, between Middletown and the said dam, the proprietors and navigators of which amounting to upwards of two thousand citizens are thus prevented

from proceeding to their destined market. The Act which authorizes this dam makes provision for the adjustment of the damages which may be caused by its erection, but this provision is totally inadequate to meet the extraordinary contingency which has arisen. The citizens injured by the obstruction, with a laudable desire to preserve the public peace and maintain the laws, have applied to me as the Chief Executive Magistrate of the Commonwealth for relief. An appeal so reasonable coming under such circumstances from so large a body of the hardy yeomanry of the State, who always have to encounter no ordinary peril on their way to market, and who are thus interrupted by an artificial obstruction, is irresistable; and I hasten to present the facts to the consideration of the General Assembly, in order that immediate provision may be made for peaceably removing the obstruction and restoring the descending navigation of the river.

DAVID R. PORTER.

Executive Chamber, April 14, 1841.

To the Senate Nominating Associate Judges of the Court of Common Pleas of Centre County.

Executive Chamber,
Harrisburg, April 15, 1841.

Gentlemen:

I NOMINATE WILLIAM SMYTH AND SAMUEL H. Wilson, to be Associate Judges of the Court of Common Pleas of the county of Centre.

DAVID R. PORTER.

To the Assembly Vetoing "An Act for Enabling Religious Societies Within this Commonwealth to Purchase and Hold Lands for Burying Grounds and Churches, and for Other Purposes."

Gentlemen:

THE BILL ENTITLED "AN ACT FOR ENABLING religious societies within this Commonwealth to purchase and hold lands for burying grounds and churches, and for other purposes," is herewith returned to the Senate, in which it originated, without the Executive approbation, for the following reasons:

Since the Bill has been presented to me, I have received from William A. Smith, Esq., of Cambria county, a remonstrance against the 18th section of the proposed bill becoming a law, a copy of which remonstrance is herewith communicated. The section recites the execution of a deed by William Smith, D. D., conveying to trustees certain lands in trust for his grandson, William R. Smith, and the eldest male heir of his body lawfully begotten, and the execution of a deed by William R. Smith, and wife, to Thomas Montgomery, with the intent of barring the alleged estate, tail, pursuant to the Act of Assembly in such case made and provided; that the deed was duly acknowledged in open Court and recorded, but that no entry of the acknowledgment exists on the records of the Court of Common Pleas of the county, by inadvertance or otherwise; and then proceeds to enact that the said deed for barring the said estate tail "be and the same is hereby confined and made valid in like manner and with like effect, as if an entry thereof had been made on the records of the Court of Common Pleas," &c.

It will be observed that the section assumes as incontrovertible all the matters alleged in it as the ground work of the enactment proposed. These may be all

correct, but as the Act may dispose of the whole question of title in regard to the lands to which it refers, it would be proper that the parties whose rights are to be affected by it should be heard. Legislation for curing alleged defects in title, should be attended with great caution and upon full notice. Injustice may be done by exparte enactments, and I would respectfully suggest whether in all such cases as that for which this 18th section proposes to provide, it would not be better to confer upon the Courts of Common Pleas of the proper county, if they do not already possess it, the power to correct or amend the record of the Court, nunc protunc, if they should deem it right and proper so to do, upon a full representation and proof of all the facts, on notice to the parties interested. Thus all parties will be heard. No injustice can be done to any one. The rights of those interested will be investigated and duly respected.

It will also be observed that the section in question does not merely authorize the correction of the record according to the truth of the fact, but confirms and makes valid the deed itself, which purports to bar the entail, as fully and with like effect as if an entry thereof had been made on the record of the Court. Before this should be done I think a hearing ought to be given to the parties.

The Bill is therefore returned to the Senate for such further action thereon as is provided by the Constitution.

DAVID R. PORTER.

Executive Chamber, Harrisburg, April 15, 1841.

To the Senate Nominating Charles Shaler to be Assistant Judge of the District Court of Allegheny County.

Executive Department,
Harrisburg, April 17, 1841.

Gentlemen:

I NOMINATE CHARLES SHALER, TO BE THE Assistant Judge of the District Court of the county of Allegheny, in the room of Trevanion B. Dallas, deceased.

DAVID R. PORTER.

To the Assembly Vetoing "An Act Making the Taxable Citizens of School Districts Competent Jurors and Witnesses in all Questions Wherein Such School District is Interested, and for Other Purposes," including the City of Lancaster.

Gentlemen:

I RETURN TO THE HOUSE OF REPRESENTAtives, in which it originated, the Bill entitled "An Act making the taxable citizens of school districts competent jurors and witnesses in all questions wherein such school district is interested, and for other purposes," without the Executive approbation, for the following reasons:

The first section of the Bill, providing that no person shall be excluded from being a juror or witness in cases in which school districts are interested in consequence of his liability to taxes in such district, is unobjectionable. Such is also the case in regard to the second, third, fourth and fifth sections, which provide for the election of the Mayor of the city of Lan

caster, by the qualified electors of that city, and define his powers and duties. Did the Bill end here it would have been approved. The sixth section, however, provides for the repeal, after the 30th October next, of so much of the Act incorporating the city of Lancaster as provides for the appointment of the Recorder, and the establishment of the Mayor's Court for that city. The seventh section then proceeds to provide for an election to be held not only in the city, but in the county of Lancaster, at the next general election, to determine whether the said sixth section, so abolishing the Mayor's Court, shall be enforced or not.

In the message which I had the honor to transmit to the Legislature on the second day of March last, I assigned my reasons for disapproving of the Act therewith returned to the Senate, for abolishing the said Mayor's Court. To that message I beg leave now to refer you, as operating equally against this bill. I then took occasion to say, "I believe the provision contained in this section, are in direct opposition to the wishes of a majority of the citizens of Lancaster. This is evidenced, as well by the resolutions passed by the select and common councils of that city, on the 13th February last, they being the representatives of the people of the city, so far as relates to its municipal regulations and internal police, as by a similar expression of sentiment, made through a city meeting, convened expressly for the purpose of ascertaining the opinions of the people as to the propriety of abolishing the court, and the remonstrance of a large portion of the inhabitants. The original act of incorporation establishing the court, was passed at the request of the people of the then borough of Lancaster, on the 20th of March, 1818, and after more than twenty years' experience, the public sentiment of the citizens of the

same place, has been clearly expressed, that its provisions should remain unchanged.

When the city was incorporated, it contained a population of about five thousand five hundred; it now contains nearly nine thousand inhabitants. If the amount of population furnished evidence of the necessity of the court at the time of its constitution, there cannot be less necessity for it now.

The provision of the seventh section, submitting the question to the people of the city and county of Lancaster, does not remove any of the objections which then existed. If it had proposed to submit the question to the people of the city of Lancaster alone, the bill would have been approved. It would be almost as proper to submit the election of the Mayor of the city of Lancaster to the inhabitants of the whole county, as it would be to submit that of the continuance of the Mayor's Court. Should this Bill become a law, we may next have an application to submit the question of abolishing the corporation of the city of Philadelphia, or of an or all the surrounding districts, to the people of the city and county of Philadelphia, or perhaps those of the whole State.

The second section proposes to submit the election of Mayor to the citizens of the city. Then why not submit the question of the continuance of the Mayor's Court to them likewise, without calling in the aid of the people of the county to decide this question for them? The jurisdiction of this court extends only over the city; and if it be said that a portion of the expense is borne by the people of the county jointly with those of the city, the people of the city may with equal propriety complain that they also have to contribute to the maintenance of the Court of Quarter Sessions, for the trial of officers committed within the county. If there be an inequality in those expenses, let the city

alone pay the expenses of the Mayor's Court, and let that of the Quarter Sessions be borne by the county.

I make no apology or excuse for the exercise of the veto power, for I never exercise it, on any occasion, but when I feel myself as strongly impelled by a sense of duty, to prevent the passage of a bill, as either branch of the Legislature did pass it. It is a power with which the Constitution invests me as a separate and independent branch of the government. When I cannot conscientiously approve a Bill, I would be faithless to the trust committed to me, not to exercise the power of withholding my approbation; and whilst I claim and shall exercise the duties which the Constitution imposes upon me, I shall be equally careful not to encroach upon the constitutional rights of the other departments of the government.

DAVID R. PORTER.

Executive Chamber, Harrisburg, April 22, 1841.

To the Assembly Vetoing "An Act for the Relief of Certain Contractors on the Western Extension of the Pennsylvania Railroad."

Gentlemen:

THE BILL ENTITLED "AN ACT FOR THE RE lief of certain contractors on the Western extension of the Pennsylvania railroad," I herewith return to the House of Representatives in which it originated, with the following as the chief reasons for refusing my assent to its passage. This Bill, if adopted, will establish an entirely new system for the payment of the creditors of the Commonwealth, of the same class as those therein provided for. It expressly provides for the payment of interest to the contractors on the Gettysburg railroad, to whom debts are alleged to be due, and even goes so far as to give inter-

est for a certain period of time, to those contractors on said road, who have been already paid to the amount found to be due, on a remeasurement of the work they had done. This is the first time in Pennsylvania where such a principle as this has received legislative sanction, so far as I have been able to learn. The principle has always been hitherto acted on, that those who had performed services, or furnished materials for the Commonwealth, were to receive no interest on their claims, however long a time had elapsed before they were paid. This is neither an unfair nor an unjust principle of settlement, when it is understood beforehand by the parties to be the law of the contract. Those who have dealings of this nature with the State, understand her terms of payment—they take the risk of delay, and agree accordingly for such compensation as is just and reasonable. Contractors, especially upon our public improvements, do so, and there has not probably been a single year since their commencement, during which, in consequence of the exhaustion of the appropriations, a very large amount of work has not been done, and materials furnished, for which the contractors did not receive their pay for a long time. In all these cases, and indeed in all other cases where the State, from inadequacy of means, or other causes, withheld payment from those to whom she was indebted, her creditors have as good, and in most instances a far better founded equitable claim, to come before the Legislature and ask for the payment of interest on their demands, whether paid ten years ago or ten days. The principle is the same, and it would be unreasonable and iniquitous to discriminate among the creditors of the State on this point. But whether right or wrong in the abstract, the principle is too well settled to be disturbed without the most disastrous consequences. It will raise up a host of public creditors, and almost, or perhaps quite, dou-

ble the State debt, already of such fearful magnitude. I cannot yield my assent to a measure which threatens to engulph the Treasury of the Commonwealth.

It may be well to inquire what are the peculiar merits of the creditors provided for by this Bill, which has induced the Legislature to extend to them, for the first time in our history, the boon of interest on their demands; while from other creditors, of certainly equal merits, it has withheld the principal justly due them. The rights of these creditors arise under various Acts of Assembly, fully explained in my message to the Legislature on the same subject, on the 6th of March, 1840, from which, as found upon your Journals, I make the following extracts:

"By the Act of 18th February, 1836, incorporating the Bank of the United States, the ninth section of which authorizes the Canal Commissioners to survey and locate the road in question, and to put not less than twenty nor more than thirty miles thereof under contract, the sum of two hundred thousand dollars is specifically appropriated to this work; and the twelfth section expressly provides, that 'the Canal Commissioners shall not be authorized to incur any debt, on the faith of the Commonwealth, in any way or manner beyond the appropriation aforesaid,' &c. Here the original Act by which this road was introduced into the public improvements of the State, without previous survey or examination, and with nothing to recommend it to the public favor but the influence which its friends could bring in support of an Act of legislation, since repeatedly and constantly disapproved by the people, prohibits the expenditure of money upon it beyond the specific appropriation.

"On the 19th December, 1837, an Act passed both branches of the Legislature, appropriating forty-five thousand dollars towards the construction of the Gettysburg railroad; to be applied in payment of work

actually done prior to the first day of January (then) next, and directing the Canal Commissioners to give notice to the contractors to suspend their work upon said road from and after the first day of January."

This Act was intended to become a law, and to take effect on the first day of January, 1838, but owing to some unexplained cause, the Act in question was not returned to the Legislature until after the said first day of January, by which means its operation was postponed for a year, and the reasonable and just expectations of the Legislature were frustrated.

"By the Act of 14th April, 1838, the further sum of one hundred and ninety-five thousand dollars was appropriated to this railroad, to be applied to the work already under contract, and the resolution which had previously passed the Legislature, as before stated, and which became a law on the 9th January, 1838, was repealed. By the sixth section of this Act it is provided 'that the Canal Commissioners shall not be authorized to incur any debt on the faith of the Commonwealth in any way or manner beyond the appropriation aforesaid, and no part of the aforesaid appropriation shall be applied to any other than the several specific purposes to which it is appropriated by the preceding sections of this Act; nor shall any contracts be entered into for any new lines of canal or railroad, not mentioned in this Act, or for any extension of the lines herein named, beyond the limits prescribed by this Act.' It was therefore the duty of the Canal Commissioners to have stopped the work on the road the moment the specific appropriation thereto was exhausted. But it appears this was not done, and the subject was brought to the attention of the legislature in the previous part of the present session. By a resolution passed by both houses, and approved upon the 19th day of February last past, it was declared, that from and after the first day of Mach, 1839, the work on the Gettysburg railroad should be suspended.

and a temporary loan of one hundred and fifty thousand dollars was authorized, for the purpose of paying the contractors on said road, for work done, or that might be done previous to that day, including the retained per centage; the accounts of the contractors to be settled by the Auditor General and State Treasurer, in usual manner, according to law."

Such being the Acts of Assembly, under which the debts are contracted on which interest is proposed to be paid, I cannot avoid the expression of opinion, that the contractors do not appear to me to come before the Legislature with any very special equity to support their claims. They knew that the Legislature had declared the work on this road should be suspended——they knew this act of the Legislature met with almost universal favor from the people of this Commonwealth—they knew also, that the very act under which they continued to work on this rail road, was intended to have taken effect on the first day of January before, and that this intention was defeated by a dextrous artifice—they knew, too, that but the sum of $195,000 was appropriated to that work, and that the Canal Commissioners were prohibited from contracting any additional debt on the faith of the Commonwealth, and they also knew that they were cooperating with the Canal Commissioners to employ an extraordinary force on this road, especially about the time of the general election in 1838, and that a very small sum was appropriated to pay for it, and yet in the face of all this knowledge, their claims are to be treated as if characterized by some unparalleled hardship and equity—I cannot think so.

I was not aware that any complaint had been made by the contractors in regard to the measurement and estimates of the engineers, until the passage of this bill; and yet it is proposed to pay the contractors agreeably to the estimates of the engineers who had

charge of the work while in progress, or in case of discrepancy between their estimates and those of the engineers who made the final estimates, after the suspension of the work, then to have an engineer appointed from each corps to settle the matter. This seems to me to be an improper mode of settling this dispute; for it proposes to submit it to those who have already acted upon it, no doubt according to the best of their judgment, and who cannot agree. It would be far better to prescribe that it should be left to competent men who are unconnected with all former estimates.

But it appears to me that the whole interposition of this Act on the subject of the estimates is wrong. There has been in fact, but one final estimate made on the sections embraced in this bill. The other estimates to which reference is made, were partial, while the work was unfinished as it was in progress, and could not of necessity be such as were entitled to be relied on. The Canal Commissioners have the right to order re-estimates at any time, before the contractor is paid in full, to be made by the original, or other engineers, and it is a plan that is often very beneficially exerted both for the contractor and the State. Should this bill pass, it will lay the foundation for a new and dangerous system of legislative interposition, in matters properly and exclusively belonging to the Canal Commissioners by the terms of the contractors themselves, and neither the contractors nor Canal Commissioners can tell under its operation when an estimate is final, nor by what standard work done is to be measured. The estimates and measurements made in this case, by the proper engineers, were I believe fair, just and accurate, and I see no reason now to disturb them. As a general precautionary policy, it is wiser and better to leave such questions as these to be adjudicated under existing laws, than to change

these laws, and make each case the subject of special legislation. Open the door to such a policy as this, and the legislative halls will be annually besieged with such applications, from all the public improvements of the State. Engineers will become worse than useless—contracts made idle ceremony, and the caprice of the Legislature, influenced by those interested, will overrule the certainty of mathematical calculation, and mould and alter solemn contracts at pleasure. If the taxes now levied on the people of this Commonwealth are to be applied to the purposes contained in this bill, and in the manner it provides, I think it is high time those whom they have entrusted with the guardianship of their interests should inform them of the fact. I cannot agree that this is a necessary, a wise or a prudent reform in the present system. Should a constitutional majority of the Legislature think otherwise, the error of my judgment, if it be erroneous, can be readily corrected.

DAVID R. PORTER.

Executive Chamber, Harrisburg, April 30, 1841.

To the Assembly Vetoing "An Act to Provide Revenue to Meet the Demands on the Treasury, and for Other Purposes."

Gentlemen:

IN RETURNING TO THE LEGISLATURE THE Bill entitled "An Act to provide revenue to meet the demands on the Treasury, and for other purposes," without my approbation, I feel that I am discharging one of the most responsible and painful duties that has devolved upon me since I have been entrusted with the Executive functions of the Commonwealth of Pennsylvania, by the people. I have

examined the various provisions of this Bill with an earnest and anxious desire to give it my sanction, if I could bring my mind to the conviction that it was not wholly incompatible with the public interests; but after the most careful consideration, I am constrained by an overwhelming sense of duty, to refuse it my assent. No person can read this Bill, however hastily, without perceiving that it is one of a peculiar character. It provides, in the first instance, for the negotiation of a loan of three millions one hundred thousand dollars, and the issue of that amount of notes, a large portion of which is under the denomination of five dollars, to be based upon the loan by certain banks required to take it, described in the Bill. The manner in which this loan is to be taken and redeemed at the end of five years, or sooner, at the pleasure of the Legislature, and also in which the notes are to be issued and finally cancelled, is somewhat intricate and complicated, but is still perhaps sufficiently clear to be carried into practical operation, without any very great difficulty. The Bill also provides for a limited augmentation of the amount of tax upon certain classes of citizens, likewise for the depositing of certain portions of the funded debt of this State as security for the redemption of notes of denominations not less than five dollars, to be issued upon the credit of said debt, by the banks of this Commonwealth, except the Bank of the United States. And in the seventeenth, it provides that the penalties imposed upon banks, of paying a greater rate of interest than six per cent., and the provisions of the Acts of Assembly and various acts of incorporation, which point out a mode for the forfeiture of any charter of any bank, for or by reason of the non-payment of its liabilities on demand, shall be and the same are suspended until further legislative action, and until the Legislature makes provision for the re-payment of the

loan authorized by the first section of this Act; and repeals the resolutions passed the third day of April, 1840, entitled "Resolutions providing for the resumption of specie payments by the banks, and for other purposes." The succeeding sections authorize the stockholders of the Bank of the United States to make a general assignment of all its real and personal estate, goods, chattels, &c., to trustees, for the purpose of securing and paying the debts and obligations of that institution, and exempt such trustees or assignees from the operation of such parts of the general laws of this Commonwealth, as require that they should file an inventory, or appraisement, of the property assigned or conveyed in trust; and also from giving security for the faithful discharge of their duties, and leaves the whole of these important guarantees for the faithful execution of their trust, to the discretion and regulation of the stockholders. And in the twenty-third section is found the singular and extraordinary provision, that after subjecting the trustees appointed by the stockholders to the exclusive control of the said stockholders, the courts of this Commonwealth shall have jurisdiction of the said trust as if it were created under any general law of the State. Then follows the provision, that it shall be lawful for the Legislature, and the power is hereby expressly reserved, at any time or times, with the consent of the said stockholders, at a general meeting for that purpose convened according to the charter, to change and alter the provisions of this Act in such manner as to the Legislature may seem expedient. If there be any security whatever to the public in these last named inoperative provisions, I confess it is not obvious to my mind.

Such is the general substance of this Bill, so far as it relates to the banking institutions of the Commonwealth. In addition to which, it appropriates the loan above mentioned, of three millions one hundred thou-

sand dollars, to various necessary and important objects connected with the Government. On the passage of this Bill depends the successful prosecution of the Common School system—the payment of donations to academies and female seminaries—pensions and gratuities to old soldiers—the repairs of the railroads and canals for the current year—payment of debts due for repairs made prior the first of November last—appropriations to orphan asylums and House of Refuge—asylums for blind, and deaf and dumb—to pay damages and the militia expenses—to pay all the expenses of government—to pay lock-keepers, weighmasters and other persons employed on the public works—to pay certain guarantees of interest by the State—to pay debts due on contracts for work done on the Erie division, North Branch extension, Wisconisco canal, and numerous other specified public improvements—to pay the Canal Commissioners, Appraisers and Engineers; and, in fact, every operation of the Government in the execution of which appropriations of money are required. This bill, I believe, is the very first in the whole history of our Government in which the necessary expenses of Government, indeed the indispensable expenses of government, without which it cannot move for a day, have been connected with extraneous subjects of a questionable character, and concerning which, it was not only possible but probable that conflicting opinions respecting their policy would exist among the various departments whose united assent was necessary for the passage of the law. It has been, hitherto, among the statesmen of Pennsylvania the received opinion, that the indispensable expenditures of government should be furnished at all events whatever else might fail. But this Bill, departing from that long established usage, has directly involved these expenses with the regulation and control of the banking system of the Commonwealth,

upon which, perhaps, more than upon any other subject, irreconcilable differences of opinion exist. Without imputing it as the design of the Legislature to compel the Executive to surrender honest and conscientious convictions of duty, in reference to at least two of the provisions contained in this Bill, for the purpose of obtaining appropriations which are inseparable from the successful prosecution of the government, I must be permitted to say, that, such might very readily be a system of coercion adopted by the Legislature, by which they would be enabled to destroy entirely the independence of the Executive, or to arrest at any moment the action of the government. I take my stand at the threshold of these encroachments, and respectfully protest against the policy of connecting measures of undoubted public utility with those of questionable utility, with a view of rendering what is just and proper a cover and a pretext for measures that are not deemed to be of that character. I am aware that in a free government, like ours, consisting of independent co ordinate departments, it would be vain and unjust to expect that either of those departments could, or should, compel the others to yield peculiar opinions of their own in all things, without mutual concession and compromise. I trust I shall never be found so unreasonable, as to ask the Legislature to forego all its own convictions of duty, on subjects of general public policy without testifying to them my own entire willingness to meet them at least half way. It is true, when attempts have been made to reach certain objects not so much of apparent public utility as of party policy, by means which I deemed unjust and improper, I have not hesitated, nor shall I hesitate, to take my position on that solid ground of official independence whereon I am placed by the Constitution. In such cases I have interposed my executive authority, to prevent the passage of

laws in which I clearly saw no great public interest was involved, without concession or compromise. Self-respect forbid my pursuing any other course; but when a measure like the present Bill is presented for my sanction, I feel and acknowledge the strong obligations of duty which should compel me to refuse it my assent, and I trust I shall give evidence to the Legislature, and to the people, that I am not acting without good reason; and if the vital and important objects provided for in this Bill fail to be finally secured, that it is not without a sincere and earnest effort on my part to prevent it, by every reasonable offer of mutual concession. I will now state concisely the objections to this Bill, which appear to me to be insurmountable. In the first place, I consider the seventeenth section as giving to the banks an absolute exemption from the resumption of specie payments for at least the period of five years, mentioned in the first section of the Bill. It is provided, among other things, in the seventeenth section, that all laws imposing penalties of interest greater than six per cent., as also the forfeiture of their charters for certain delinquencies, shall be suspended until further legislative action, and until provision is made for the payment of the loan authorized by the first section of the Bill. Now, had this subject of suspension been left entirely to the further action of the Legislature, without coupling it with the provision for the re-payment of the loan of three millions one hundred thousand dollars, it would have been far less objectionable. —But even then, what would be our condition? This suspension would continue till it was terminated by legislative action; and although the people might, by a large majority, will that it should cease, yet if the banks could find favor with either branch of the Legislature, or with the Executive, it would be impossible to carry that will into execution. Is it wise, is it just

to surrender such power as this to the banks, when in all contests heretofore had, between these institutions and the people, they have proved victorious? But, by the Bill before me, they are to enjoy these exemptions not only until further legislation, but until the Legislature provides for the repayment of this large loan. How will it ever be re-paid, if this Bill should pass? The banks control and regulate the pecuniary transactions of the country, in which so large an amount of capital as this is involved. They are directly interested in preventing the re-payment of this loan at the end of five years, or of ten years, because they enjoy exemption from the forfeiture of their charters, as long as this loan remains unredeemed. It is not at all likely, at the end of five years, or even ten years, the Commonwealth will be able to pay off a loan of three millions of dollars, without doing it by making another loan for that purpose. From whom can this loan be procured? Surely not from Europe, for that market is glutted with our stocks already. Not from our own banks, for if they were to make a loan to the State, it would be to deprive themselves of the valuable privileges they enjoy under the exemptions already mentioned. Not from our own capitalists, for they are so deeply interested in the banks, as to be restrained, by that consideration, or they can probably find, as they have heretofore done, more profitable investments for their money. It is idle, therefore, to say that this loan can be repaid at the end of five years, or even a greater length of time, with such strong interests in the way to prevent it. An Act of the Legislature authorizing a loan to be taken for the repayment of this loan of three millions one hundred thousand dollars would be fruitless; the money could not be obtained upon it, and until it was obtained, the banks would be beyond the reach of the Legislature, and would enjoy their right of suspension in defiance

of its action. It scarcely requires a prophet to foresee what would be the issue of a law like this. At the end of the five years mentioned in the first section of the Bill, there would be a renewal of the same loan, and the same system of operation for another period of, perhaps, five years, or perhaps longer, and we should thus have a suspension which might be considered as perpetual. We cannot foretell its consequences, we cannot foresee its end. The moment it is engrafted upon our system, we may despair of all other reform. It will be fastened upon us until the system itself, by its own excesses and corruptions, is annihilated. The specie still remaining in the vaults of the banks, and in the hands of the people, will vanish, and a dreary, hopeless era of irredeemable paper money, open upon the Commonwealth. I cannot bring my mind to contemplate this scene without feelings of the deepest repugnance. Nor can I believe it is right to fasten such a condition as this upon a measure indispensably necessary to the healthful existence of the functions of government.

The authority given to the stockholders of the Bank of the United States to make an assignment, and also the exoneration of the trustees, or assignees, from giving, as is usual in such cases, security for the faithful execution of the trust; and also from making out an inventory, and having an appraisement taken of the property assigned, seems to me, to be a dangerous and unnecessary surrender of the proper control over persons entrusted with such an immense amount of property. It is true, the manner of regulating the conduct of the trustees or assignees, is vested in the stockholders of the bank; but from sundry recent developments in that institution, it seems doubtful whether the stockholders are, at all times, the safest and best depositories of such unlimited power. The temptation to abuse it, on the part of the trustees, or as-

signees, would be great, and the security against it is literally nothing. I very much question the policy of passing such sweeping acts of legislation as this. Why introduce the Bank of the United States into this bill at all? That institution had surely very comprehensive and indulgent powers granted to it at its creation, and deliberately accepted by its stockholders at the time. It has very recently, before the Court of Common Pleas of Philadelphia city and county, succeeded in escaping from the provisions of the resolutions of the third of April, 1840, for the resumption of specie payments, by pleading that its act of incorporation was a contract between the Bank and the State. If it be so, let it abide by the terms of that contract, and stand or fall upon its own voluntary agreement. The influence of this institution upon the other banks, and upon the general prosperity of the country, has been abundantly deleterious, and I can see no special reason in favor of exonerating this bank and its trustee or trustees, from obligations that are imposed upon every man, without distinction, who is invested with the same kind of important trusts. The powers given to this bank, at the time of its origin, were considered ample for every necessary purpose, and I do not perceive, in its present condition, any good ground for this unqualified enlargement of them.

Having thus stated, with much brevity, my principal reasons to the present Bill, I will proceed to explain in what manner these objections may be removed. I have always been, and I am still, most decidedly opposed to the issuing and circulation of notes under the denomination of five dollars, and I have on repeated occasions, both in addressing the Legislature and my fellow-citizens, expressed this opinion. I must in candor, however, admit that within a short time, the aspect of this subject of small notes, in Pennsylvania, has materially changed. All the sur-

rounding States have authorized their banks to issue notes of a less denomination than five dollars; our own banks are in a condition which renders it exceedingly improbable that they will be able to resume specie payments for some little time to come; in the mean while our specie is in a great measure withdrawn from circulation, and the small notes of the States surrounding us on every side, in open defiance of that most excellent law passed in 1828, to prohibit their circulation, are thrown in upon our citizens to take its place. In this state of things, the issue of a limited amount of notes under the denomination of five dollars, for a limited period of time, based upon the security of the State stock and State credit, seems to be less liable to objection than any other mode proposed at any former period of time. There is, perhaps, another consideration which should operate with no small influence in the decision of this question. The mode and manner of raising money for the ordinary purposes of government, and to pay the debts and various obligations of the Commonwealth, belong properly to the members of the Legislature, as the immediate representatives of the people. It is for them to judge, in the first instance, subject to the higher judgment of their constituents, in what manner this money is to be produced; and if, in the opinion of the Legislature, the amount required for the current year provided by this Bill, can be raised by no other means than that contained in it, of authorizing the issue of notes such as I have described, I do not think I would be justified in deeming this a sufficient objection to prevent the passage of the Bill, if otherwise faultless. As a private citizen, I would not yield my hostility to the issuing of small notes by the banks of this Commonwealth; but as the Executive, having no power to originate measures, but only that of approving such as are presented by the Legislature, I stand

in a different position; and as between the sanction of such a measure as this, and the embarrassments that must necessarily be produced, by the defeat of a Bill, making appropriations for the indispensable wants of the government, I should consider it as a choice of evils at the best, and that as the least evil which would produce the least general distress.

So far as respects the suspension of specie payments, and the exemption of the banks, in the seventeenth section of this Bill, from penalties exceeding six per cent. interest, and the forfeiture of their charters, I think the boon extended to the banks is not only greater than is necessary, but greater than has been asked for by any of those institutions. By this section it is provided, that "no banking institution in this State shall be subject by way of penalty or otherwise, to any greater rate of interest than six per cent. per annum, any thing in any Act of Assembly to the contrary notwithstanding, and that all provisions of any other Act of Assembly heretofore passed, or of any Act of incorporation providing for the forfeiture of any charter, for or by reason of the non-payment of any of its liabilities on demand, be and the same are hereby suspended until further legislative action, and until the Legislature shall provide for the repayment of the loan authorized by the first section of this Act." No legislative inquiry upon this subject has been instituted—no petitions have been presented by the banks themselves, except the Bank of the United States, asking for such indulgence as this Bill contemplates: and so far as I have been able to learn the views of the banks throughout the Commonwealth, no further legislative action has been asked for or desired, except the repeal of the resumption resolutions of third April, 1840, and the banks to be placed on the same footing they occupied previous to the passage of these resolutions, under the Act of 1824. This Act

of 1824, for the general regulation of the banks of this Commonwealth, seems to have been framed in a spirit of great liberality and forbearance towards the banks, while at the same time it makes judicious provision for the security of the rights and interests of the public. From the passage of this law of 1824, up to the time the Bank of the United States was chartered by the Legislature of Pennsylvania, the banks of this Commonwealth, subject to its provisions, were in a flourishing and prosperous condition—felt neither fears nor molestation, and never complained of the hardship of any of its provisions, and there were by few, if any, complaints on the part of the people. But the enormous increase of banking capital produced by the creation of the Bank of the United States, and other banks, during the same session of the Legislature, gave such a wild and reckless impulse to the banking system, as to precipitate all these institutions into the unfortunate condition in which we now find them. There is obviously but one rational and certain remedy for the evil, that is to get rid of the causes which produced it. Let the Bank of the United States meet its fate under its charter—let the resolutions of 3d April, 1840, passed with the hope of correcting some of the evils which the Bank of the United States had produced be repealed, inasmuch as it has been decided by the proper tribunal, that that institution is exempt from their operation, and on the same principle there are four other banks claiming like special privileges, which are exempt also; the whole of the capital of these banks aggregately amounting to two-thirds of the banking capital of this State; and let the other banks of the Commonwealth be placed under the regulations of the Act of 1824. I appeal to the recollection of those who have been familiar with the condition of things in Pennsylvania for years past, and to the history of the times, to bear me out in the

assertion, that neither the banks nor the people of this Commonwealth, ever enjoyed a state of higher prosperity, nor of more absolute freedom from all pecuniary embarrassments and difficulties, than they did during the interval from 1824 to 1836; and I do not perceive any well grounded reason to doubt that with a little patience, prudence, and economy, the same salutary results that flowed from the laws then in force, will be again felt, if the same laws are restored.

Should the views here expressed be embodied in a section or sections, and substituted for the seventeenth section of the Bill, I would then feel myself justifiable in approving the Bill, although I have a strong dislike for some of its provisions.—But whatever may be my feelings of dislike, I am bound to repress them when I consider that should no provision be made by law for appropriations to the objects contained in this Bill, we shall have the pain and mortification of seeing the remaining soldiers of the Revolutionary and Indian wars, who served in the Pennsylvania line, tottering unprovided for and penniless to the grave.—The blind, the deaf and dumb, the orphan, and the friendless and unprotected inmate of the House of Refuge, would be deprived of that alleviation of their wants and sufferings, which the bounty of the Commonwealth has so liberally provided. The Common School system, in direct violation of the Constitution of Pennsylvania, will languish and be destroyed. Operations upon our public improvements must be stopped; their repair will be impossible. The contractors upon our public improvements, trusting to the faith and honor of the State, contracted large debts to farmers, merchants, mechanics and laborers, from whom, unless provision be made for that purpose, the State will withhold the means of payment. And in relation to this numerous and enterprizing class of our citizens, who are the creditors of the State, to so

large an amount, if anything can add to the aggravation and injustice of their case, it is the almost inevitable certainty, that while the State is largely their debtor, they must be broken up, ruined, and their property pass under the hammer of the sheriff. And even our courts of justice, where none but independent and inflexible judges should sit, would experience their share of the common calamity; withdrawn from their professions, prevented by the discharge of their official duties, from engaging in any other business for the support of their families, and many of them poor, even the salaries which are guaranteed to them by law, for services to the public, cannot be paid. Can it be possible that such praiseworthy objects as these, will be left unprovided for, by the Legislature? Can an adjournment take place, while a sacred duty, which every man has solemnly sworn to discharge remains unperformed? I cannot believe it possible. To suppose it was so, would be casting, what I still hope and trust, is an undeserved reproach on those who have been selected by the people, to guard and promote their welfare. Independent of these particular classes of persons which will feel most immediately the weight of the blow, the entire mass of the community has not only a pecuniary interest arising from the direct and remote connection subsisting between these classes and the other citizens, but has a higher and a dearer stake at issue—the character and honor of our State. Tell it not to our sister States of the Union—tell it not to the world, that Pennsylvania, steadfast in the course of integrity, abounding in resources, and proud of her honor, has been the first to swerve from that highest of all duties, the duty of preserving her fame. Are the members of this Legislature willing and ready to be stamped to all future ages, as the first American Legislature that brought infamy and disgrace upon our republican gov-

ernment? Are they prepared, because the Executive cannot sanction what he conscientiously and firmly believes to be, in effect, a perpetual suspension by the banks, to jeopard, nay, to sacrifice those meritorious classes of citizens, to whom I have just referred, and those great and vital interests which depend upon the appropriations contained in the Bill, to which I have expressed my readiness to give my assent? If a sincere and patriotic desire to promote the public good, be the governing motive, with the several branches of the government, there can be little doubt of the passage of a bill so eminently calculated to promote it as the one I have suggested; but if there be any ulterior purpose in view, any paltry expectation of political advantage, at the expense of the public welfare, then it is neither for me, nor the people of Pennsylvania, to know what will be the result.

In a spirit of compromise and frankness I have buried my animosity to many prominent features of this bill. I have expressed a willingness to yield much—yes, to yield everything, except the point which I consider of too deep and solemn import to the public welfare to be sanctioned by authority of law: and having done this much, to prevent the evils which I have thus depicted, and to save the honor of the State from disgrace, I have done my duty according to the best of my judgment. If not met by a corresponding spirit on the part of the Legislature, the issue, momentous and deplorable as it may be, must come. To the people of this Commonwealth, who must share in the blessings or in the curses of the measure, I cheerfully commit the decision. The great question is now distinctly put to them, whether they are or are not in favor of an irredeemable paper currency, and a perpetual suspension of specie payments by the banks? and also, whether they approve of the failure on the part of the Legislature, should it occur, to provide

even for the indispensable wants of the government, without which it becomes powerless, and almost ceases to be a government. If a majority of the people are in favor of these measures, be it so—I shall bow to their decree; but as a citizen of Pennsylvania, looking only to the common good of all, I shall deeply regret the evils it will entail upon us, and blush that I have lived to see the day of her tarnished and dishonored fame.

It is idle to deceive ourselves, by supposing that great hardship and embarrassment will not be produced, by the defeat of a bill calculated to relieve the community, by making the necessary provisions for paying her just debts, and carrying on the affairs of government. This must and will undoubtedly follow. But I trust there will be patriotic resolution enough found among the citizens of Pennsylvania, to endure these hardships for a season, without repining, if the alternative presented by this bill, be, as I honestly believe it to be, far worse. In the darkest and most perilous times of the revolution, our fathers, though destitute of food, clothing and money, bravely adhered to their country's cause, bare-footed in winter snows, and in the face of a superior force, they clung to her standard and disdained the comforts and the gold offered by her foes—none deserted, and none shrunk from the northern blasts that pierced their naked bodies, or the British bayonets presented at their breasts; and if they made such sacrifices to gain our liberty, their sons, abundantly clothed and abundantly fed, should be willing to make, at least, the sacrifice of suffering for a short time the inconvenience of empty pockets, to preserve the liberty their fathers handed down. Money is a great convenience, undoubtedly, and very desirable, but what amount of money would pay the price of our self respect, the substantial prosperity of the State and of our freedom?

If the people of Pennsylvania prove recreant in this crisis, they will indeed have forgotten the example of their ancestors, and will prove themselves to be, what I trust they would scorn to acknowledge, "degenerate sons of noble sires." -I call upon you, fellow citizens of the Legislature—I conjure you to pause and think well, before you depart to your respective places of abode, without making some adequate provision to save the government of the State from the want of the pecuniary means of performing its vital functions. I entreat you to contemplate the awful and unprecedented responsibility you would thus be assuming, and to think of the judgment of posterity. I have done all that lies in my power, the rest is with you.

DAVID R. PORTER.

Executive Chamber, May 1, 1841.

*Proclamation of the Election of Amos Gustine as a Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.
[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the Judges of a special election held in the thirteenth Congressional district of this Commonwealth, composed of the Counties of Cumberland, Juniata and Perry, on Tuesday the fourth day of May instant, under the authority of an Act of the General Assembly

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*WRIT DIRECTING THE SPECIAL ELECTION.

Pennsylvania, ss:
[Signed] David R. Porter.

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IN THE NAME AND BY THE AUTHORITY OF THE Commonwealth of Pennsylvania, DAVID R. PORTER, Governor of the said Commonwealth. To PAUL MARTIN, Sheriff of the County of Cumberland, Esquire, Sends Greeting.

Whereas, a vacancy has happened in the representation of this State in the House of Representatives of the United States, in consequence of the death of William Ramsey, Esquire, elected a member of the 27th Congress from the thirteenth Congressional district. Now therefore, in pursuance of the provisions in such case made by the Constitution of the United States and of the Act of the General Assembly passed the 2nd day of July, A. D. 1839, I David R. Porter, being vested with the Executive authority of the State of Pennsylvania, have issued this Writ, hereby commanding you the said Paul Martin to hold an election in the said County of Cumberland, on Tuesday the fourth day of May next, ensuing the date hereof, for choosing a representative of this Commonwealth, in the House of Representatives of the United States to fill the vacancy which has happened as aforesaid, and you are hereby required and enjoined to hold and conduct the said

passed the second day of July, A. D. eighteen hundred and thirty-nine, it appears that Amos Gustine was duly elected to serve as a Representative of this State in the House of Representatives in the twenty-seventh Congress of the United States, to supply the vacancy occasioned by the death of William S. Ramsey, Esquire.

And Whereas in and by the forty-second section of the Act before recited, it is made the duty of the Governor on the receipt of the returns of any special election by the Secretary of the Commonwealth, to declare by proclamation the name of the person elected. Now therefore, I have issued this proclamation hereby publishing and declaring that the said Amos Gustine is duly elected and chosen in the district before mentioned, as a Representative of this State in the House of Representatives in the Congress of the United States in the room of William S. Ramsey, dec'd., who had been elected a member of the twenty-seventh Congress.

Given under my hand and the Great Seal of the State at Harrisburg this thirteenth day of May, in the year of our Lord One thousand eight hundred and forty-one and of the Commonwealth the Sixty-fifth.

By the Governor.

Frs. R. Shunk,

Sec'y Common'th.

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election and make a return thereof in the manner and form as by law directed and required.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-ninth day of March, in the year of our Lord one thousand eight hundred and forty-one, and of the Commonwealth the Sixty-fifth.

By the Governor.

FRS. R. SHUNK,

Sec'y Com.

[Similar Writs to the above were issued same day to William W. Wilson, Sheriff of Juniata county, and Joseph Shuler, Sheriff of Perry county.]

Proclamation Announcing the Election of Henry W. Beeson as Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.
[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the Judges of a special election held in the twentieth Congressional district of this Commonwealth, composed of the Counties of Fayette and Green, on Tuesday the twenty fifth day of May last, under the authority of an Act of the General Assembly, passed the 2nd day of July, A. D. 1839, it appears that Henry W. Beeson was duly elected to serve as a Representative of this State, in the House of Representatives in the twenty-seventh Congress of the United States, to supply the vacancy occasioned by the resignation of Enos Hook, Esquire.

And Whereas, in and by the forty-second section of the act before recited, it is made the duty of the Governor, on the receipt of the returns of any special election by the Secretary of the Commonwealth, to declare by proclamation the name of the person elected.

Now therefore, I have issued this proclamation, hereby publishing and declaring that the said Henry W. Beeson is duly elected and chosen in the district before mentioned, as a Representative of this State

in the House of Representatives in the Congress of the United States in the room of Enos Hook resigned, who had been elected a member of the twenty-seventh Congress.

Given under my hand and the Great Seal of the State at Harrisburg, this third day of June, in the year of our Lord one thousand eight hundred and forty-one, and of the Commonwealth the sixty-fifth.

By the Governor.

Frs. R. Shunk,

Sec'y Common'th.

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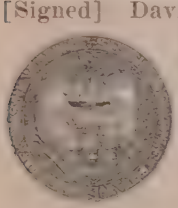
*Proclamation Announcing the Election of Joseph R. Ingersoll Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] David R. Porter.



IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

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*WRIT ISSUED FOR THE SPECIAL ELECTION.

Pennsylvania, ss:

[Signed] David R. Porter.

Place of the Great Seal.

IN THE NAME AND BY THE AUTHORITY OF THE Commonwealth of Pennsylvania, DAVID R. PORTER, Governor of the said Commonwealth. To DANIEL FITLER, Sheriff of the City and County Philadelphia. Sends Greeting:

Whereas, a vacancy has happened in the representation of this State in the House of Representatives of the United States in consequence of the resignation of John Sergeant, Esquire, elected a member of the twenty-seventh Congress from the Second Congressional District, composed of the City of Philadelphia. Now, therefore, in pursuance of the provisions in such case made by the Constitution of the United States and [illegible] the General Assembly, passed the second day of July, A. D. 1839, I David R. Porter, being vested with the executive authority of the State of Pennsylvania, have issued this Writ, hereby commanding you, the said Daniel Fitler, Sheriff of the City and County of Philadelphia aforesaid to hold an election in the

A PROCLAMATION.

Whereas, by a return made by the Judges of the General Election held in the Second Congressional District of this Commonwealth composed of the City of Philadelphia, on Tuesday the twelfth day of October instant, under the Authority of an Act of the General Assembly passed the 2nd day of July A. D. 1839, it appears that Joseph R. Ingersoll was duly elected to serve as a Representative in the Congress of the United States to supply the vacancy occasioned by the resignation of John Sergeant, Esquire.

And Whereas, in and by the forty-second section of the Act before recited, it is made the duty of the Governor, on the receipt of the returns of any special election, by the Secretary of the Commonwealth, to declare by proclamation the name of the person elected.

Now therefore, I have issued this proclamation hereby publishing and declaring that the said Joseph R. Ingersoll is duly elected and chosen in the district before mentioned, as a representative of this State in the House of Representatives in the Congress of the United States during the remainder of the time for which the said John Sergeant, Esquire was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburg this nineteenth day of October, in the

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City of Philadelphia, at the time appointed for holding the next Genearl election, being on Tuesday the twelfth day of October, 1841, for choosing a Representative of this Commonwealth in the House of Representatives of the United States to fill the vacancy which has happened as aforesaid, and you are hereby required and enjoined to hold and conduct the said election, and make a return thereof, in the manner and form as by law is directed and required.

Given under my hand and the Great Seal of the State, at Harrisburg, this Eighteenth day of September, in the year of our Lord One thousand eight hundred and forty-one and of the Commonwealth the Sixty-sixth.

By the Governor.

H. PETREKIN,

Dep'y Sec'y Common'th.

year of our Lord One thousand eight hundred and forty-one, and of the Commonwealth the Sixty-sixth.

By the Governor.

Frs. R. Shunk,

Sec'y Common'th.

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*Proclamation Announcing the Election of James M. Russell as Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

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*DOCUMENTS CONNECTED WITH THE PROCLAMATION.

Somerset, Dec'r 1st, 1841.

David R. Porter,
Governor,
Harrisburg, Pa.:

Dear Sir: Permit us to inform you of the Death of the Hon'l Henry Black, our Representative in Congress. He died at his residence on Sunday morning last, the 28th of Nov., and was buried on the next day. We give you this information for fear you might not receive it through some other source, so that you may be able to order a new election at as early a day as possible. While we remain very respectfully your friends.

W. H. Postlethwaite, Wm. Philson,
John Neff, D. Weyand,
Jos. Imhoff, S. Gaither,
Isaac Ankeny, J. Husus.

Gov. Porter:

I think we will be able to elect a Democrat this time without doubt.

Wm. Philson.

Pennsylvania, ss:

In the name and by the Authority of the Commonwealth of Pennsylvania. DAVID R. PORTER, Governor of the said Commonwealth. To WILLIAM TODD, Sheriff of the County of Cambria, Esquire. Sends Greeting:

Whereas, a vacancy has happened in the representation of this State, in the House of Representatives of the United States in consequence of the death of Henry Black, Esquire, elected a member of the 27th Congress from the 18th Congressional district, composed of the Counties of Bedford, Somerset and Cambria. Now, therefore, in pursuance of the provisions in such case

A PROCLAMATION.

Whereas, by a return made by the Judges of a special election held in the eighteenth Congressional district of this Commonwealth, composed of the counties of Somerset, Bedford and Cambria, on Tuesday, the 21st day of December, instant, under the authority of an Act of the General Assembly, passed the 2d day of July, 1839, it appears that James M. Russell was duly elected to serve as a Representative of this State in the House of Representatives in the twenty-seventh Congress of the United States, to supply the vacancy occasioned by the death of Henry Black.

And whereas, in and by the 42d section of the act before recited, it is made the duty of the Governor, on the receipt of the returns of any special election, by the Secretary of the Commonwealth, to declare by proclamation the name of the persons elected,

Now, therefore, I have issued this proclamation, hereby publishing and declaring that the said James M. Russell is duly elected and chosen in the district before mentioned, as a Representative of this state in the House of Representatives in the Congress of the United States in the room of Henry Black, deceased,

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made by the Constitution of the United States, and of the Act of the General Assembly, passed 2nd July, 1839, I David R. Porter, being vested with the Executive authority of the State of Pennsylvania have issued this Writ hereby commanding you the said William Todd, to hold election in the said County of Cambria on Tuesday the 21st day of December instant, for choosing a representative of this Commonwealth in the House of Representatives of the United States to fill the vacancy which has happened as aforesaid; and you are hereby required and enjoined to hold and conduct the said election and make a return thereof in the manner and form as by law is directed and required.

Given under my hand and the Great Seal of the State, the 3rd December, A. D. 1841 and of the Common'th the 66th.

By the Governor.

FRS. R. SHUNK,

Sec'y Common'th.

Writs similar to the above were issued and forwarded same day to WILLIAN KELLER, Sheriff of Bedford Co., and GEORGE MOWRY, Sheriff of Somerset Co.

who had been elected a member of the twenty-seventh Congress.

Given under my hand and the Great Seal of the State, at Harrisburg, this thirtieth day of December, in the year of our Lord, one thousand eight hundred and forty-one, and of the Commonwealth the sixty-sixth.

By the Governor.

Frs. R. Shunk,
Sec'y Commonwealth.

Proclamation Announcing the Re-election of Governor David R. Porter and continuing all Appointments and Commissions for the Term of Six Months.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, the Speaker of the Senate and the Speaker of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania have duly certified that the said Speaker of the Senate did, on the 18th day of January instant, in the Chamber of the House of Representatives in the State Capitol, at Harrisburg, open and publish the returns of the late election of a Governor of the said

Commonwealth, in the presence of the members of both Houses of the Legislature conformably to the Constitution of the said Commonwealth, and that, upon counting the votes by a Teller appointed on the part of each House, it appeared that David R. Porter had a majority of votes. Whereupon the said David R. Porter was declared to have been duly elected Governor of the said Commonwealth; and, having first taken the oaths of office, was accordingly on this 18th day of January proclaimed Governor thereof. Now in pursuance of the power and trust to the Governor of this Commonwealth, by the Constitution and laws granted and confided and for preventing all failures in the administration of justice, I, the said David R. Porter, have deemed it expedient to issue this proclamation, hereby confirming and continuing all appointments made and all commissions heretofore lawfully issued for the term of six months from the date of these presents unless the said appointments and commissions shall be sooner superseded and annulled. And I do further direct and enjoin all public officers engaged in the several departments of the Government to proceed with diligence and fidelity in the performance and execution of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my Hand and the Great Seal of the State at Harrisburg, this twenty-second day of January, in the year of our Lord one thousand eight hundred and forty-two, and of the Commonwealth the sixty-sixth.

By the Governor,

Anson V. Parsons,

Secretary of the Commonwealth.

Annual Message to the Assembly.

Fellow Citizens:

IN PERFORMANCE OF THE DUTY ENJOINED on me by the Constitution, I proceed to give you such information of the State of the Commonwealth, and to recommend to your consideration such measures as I think expedient at the present time. The discharge of this duty is, in many respects, beset with difficulty, but this does not absolve me from the obligation created by my official station. In a spirit of perfect frankness, I shall submit to you the best dictates of my judgment, and shall be happy if, in your wisdom and experience, you can so modify and improve them as to promote in a greater degree, the welfare of our common constituents, the people of this Commonwealth.

The subject of deepest interest, and greatest perplexity, that calls for our attention is, the financial condition of the State. Although I have, on several former occasions, entered into a full and minute exposition of this matter, I cannot refrain from again presenting it to your consideration, in a manner so distinct and plain, as to preclude, I trust, the possibility of misconception on the part of those who feel an honest desire to understand it. I am persuaded that however embarrassed may be the pecuniary affairs of the Commonwealth, nothing is needed to induce the people to provide means to extricate them, but a clear and candid exposition of the nature and extent of the liabilities to which they are subject. The time for concealment, evasion and deception on this point, is at an end. The contract has been made. The faith of the State is pledged, and every consideration of duty and of honor require of us, to know our true condition, and to provide adequate means to meet our obligations, and to redeem our plighted faith.

There is due by this State, to the United States, on account of deposite of surplus revenue, the sum of $2,867,514.78. The funded debt of the State amounts to $36,331,005.68. This debt is reimbursable as follows:

$270,081	87	in	the year	1841,
62,500	00	"	"	1844,
3,516,568	81	"	"	1846,
50,000	00	"	"	1847,
1,000,000	00	"	"	1850,
2,000,000	00	"	"	1853,
3,000,000	00	"	"	1854,
2,783,161	00	"	"	1856,
7,070,661	00	"	"	1858,
1,250,000	00	"	"	1859,
2,648,680	00	"	"	1860,
120,000	00	"	"	1861,
3,225,000	00	"	"	1862,
200,000	00	"	"	1863,
2,515,000	00	"	"	1864,
1,797,010	00	"	"	1865,
2,524,000	00	"	"	1868,
1,957,362	00	"	"	1870,
340,983	00	at the expiration of certain bank charters.		
Total, $36,331,005	68			

This debt has been contracted for the following purposes:

For Canals and Railways, ...	$30,055,013 68
To pay interest on public debt, ...	3,304,303 00
For the use of the Treasury, ...	1,571,689 00
For Turnpikes, State Roads, Bridges, &c., ...	930,000 00
For the Union Canal, ...	200,000 00

For the Eastern Penitentiary, ...	120,000 00
For the Franklin Railroad, ...	100,000 00
For the Pennsylvania and Ohio Canal,.	50,000 00
Total, ...	$36,331,005 68

The value of our public improvements, estimated at cost, is, ...	$29,292,165 33
The State owns bank stock, which cost at par, ...	2,108,700 00
The State owns Turnpike and Bridge stock, ...	2,843,048 89
The State owns Canal and Navigation stock, ...	831,778 66
The State owns Railroad stock, ...	350,546 90
Money due on unpatented lands, estimated at, ...	1,000,000 00
Total, ...	$36,426,239 78

The immediate difficulty of our situation, arises mainly from the payment of the interest annually accruing on this debt. This interest is about $1,800,000; and this sum, it is incumbent on the State to provide as it becomes due. The inconsiderable portion of the funded debt, now redeemable, can be doubtless, postponed until more auspicious times, but the interest admits of no such postponement. This is in a great measure payable to those who cannot afford to procrastinate its reception, and whose means of subsistence depend on the faithful adherence of the State, to its solemn engagements with its loan holders. The income especially appropriated to the payment of this interest, is derived from the following sources, to wit: tolls on canals and railways, auction duties, tax on collateral inheritances, dividends on turnpike bridge and navigation stocks, escheats, and the tax levied on real and personal property, &c.

The amount received from each of these several sources, during the last fiscal year, ending 30th November last, is as follows:

From tolls on canals and railways, ...	$762,360 44
" Auction duties, ...	77,022 15
" Collateral inheritances, ...	21,591 43
" Dividends on turnpike, bridge and navigation stocks, ...	30,355 72
" Escheats, ...	336 64
" Tax on real and personal property, &c., ...	33,292 77
Total, ...	$924,959 15

The sum in the treasury, applicable to this object, on the first day of this month, independent of what will be received during the month, was $1,020,936.38, being $124,042.62 more than is necessary to pay the interest due on the first of February next.

In relation to the assessment and collection of the State taxes, under the act of the 11th June, 1840, the greatest delinquency is found with the county commissioners. No return or statement has been received from several of the counties, although required by the sixth section of the said act, to be transmitted to the Auditor General on or before the first Monday of September, in each year. It is, therefore, out of my power to inform you of the amount assessed under said act. From the information, however, received, I feel warranted in saying that it will amount to about half a million, or within a fraction of it. That amount will be considerably increased by the valuation and assessment provided by the "act to establish a uniform mode for the valuation of property and assessment of taxes," passed 15th May last; the returns of which are required to be made to the Auditor General within the present month, and will be laid before you as soon as received.

The duty of the county commissioners to make returns of the assessments, &c., to the Auditor General, imposed by law, seems not to be designated and enforced with sufficient precision and certainty. To secure its faithful performance, I recommend a revision of the law.

During the existing state of things, the continuance of taxes assessed, for the payment of this interest, or at least of taxes of some kind for this purpose, appears to be indispensable. If the distribution of the objects of taxation, or the mode of levying and collecting the tax be unfair or onerous, undoubtedly the evil should be promptly corrected.

I have heretofore declared my determination, to do all that belongs to this department, to meet faithfully the engagements of the State, and to maintain unsullied, the credit and fidelity of our Commonwealth. My sentiments in relation to these matters have undergone no change, and I am pleased to find that on this subject, there is no diversity of opinion among the great mass of the citizens of the State. All agree that, whenever the constituted authorities of the Commonwealth, have entered into engagements conformably to the constitution and laws, whether these engagements have been characterized by due prudence and a proper regard to the interest of the public, or not, the honor of the State, the permanence of our republican institutions, and a sacred regard to the sanctity of public engagements, require that the resources of the Commonwealth, and the energies of her citizens, be put in requisition, to meet her public engagements promptly, punctually, and unhesitatingly. It is, therefore, respectfully and earnestly urged upon the Legislature, to take the necessary steps, at the earliest day, to ensure this desirable result.

As the most efficient means that have occurred to my mind, I would suggest the following course. Let

the Legislature ascertain from the financial departments, both the ordinary revenue, and the amount necessary to be raised, annually, for the payment of the interest on the state debt, and the ordinary expenses of the government. Let provision also be made to cover all possible contingencies and losses on collection. Add to this a sum, though ever so small, for a sinking fund, to be applied annually to the extinguishment of the principal of the public debt, and apportion it among the several counties of the Commonwealth, designating the amount to be paid by each, by an uniform apportionment according to the triennial, or last assessments, with such corrections and equalization as shall be found necessary, and on the same objects now taxable, or any other that the Legislature may think preferable. Let adequate and certain penalties be imposed on each county commissioner for omitting to have the duplicates issued in time, and on each assessor for the non-performance of his duties, and allow the county such a premium as shall be thought right, if its full quota shall be paid into the treasury on or before the day required by law. It is believed that a committee of the Legislature would be as competent a board as could be raised to make the assessments of the quotas of the several counties, as above mentioned aided, as they will be, by the late assessments and census. The establishment of this system by law would placed the fund to meet the interest on the public debt on a permanent foundation, and silence forever all doubts which interested speculators might seek to raise on this subject.

But it is not only to the loan holders of the Commonwealth, that she ought to be just in meeting her engagements. A regard to economy, as well as justice to the men who labor upon the repairs of our canals and railroads, requires that they should be punctually paid. The laborer is worthy of his hire, and is as

meritorious a creditor as the Commonwealth has, and it is absolutely disreputable that he should be dependant on the borrowing of money for his pay, and be unable at times, for months together, to procure as much for his labor as will buy him a loaf of bread. It is respectfully suggested, that when abundant means from taxation are provided to meet the interest of the state debt, that the tolls on our public works shall be first applied to their repairs, so that we may know at a glance to what the nett revenue, if any, arising from them respectively, amounts.

It is not to be disguised that we are deeply in debt; and that the times call for an unquailing fearlessness in our public functionaries, to meet the emergency, and to provide the means for our extrication. The people are already burdened with taxation, and those burdens cannot be diminished, if we expect to pay our debts. The conduct and motives of those who make provision to pay them, may be misrepresented, and for a time misunderstood. Prejudice, from the sordid feelings of interest, may be invoked, and demagogues and unprincipled politicians, will, doubtless, attempt to use it to answer their own purposes. But the responsibility is one which every honest public functionary must meet fairly and frankly, and in so doing he will be eventually sustained by the people at large, who never deliberately err, and who always will reward with their confidence, an honest and fearless devotion to their true interests, even though it may at first have met with temporary disapprobation.

The means to pay off the loan under the act of 4th May, 1841,—to pay the foregoing creditors of the state, and the interest on the public debt, must be provided before the Legislature adjourns.—Sound policy, nay, common honesty, demands this much at your hands, and I am persuaded no member of the Legislature will

shrink from a duty enjoined by such considerations as these.

It will be found on reference to the amount of taxes paid by the people, that comparatively a small portion is levied to discharge the interest on the public debt. Although in the aggregate the taxes are onerous, by far the greater amount is absorbed in the ordinary purposes of township, city and county affairs. I take great pleasure in stating the fact, that the increase of the taxes for the maintenance of the faith and honor of the state, has been regarded in a spirit of patriotic duty by the public at large, and has been borne without repining, unless, indeed, we except a very few persons, residing in portions of the state which have reaped almost the entire benefit of the expenditure of the vast sums of money, for the payment of interest on which these taxes are imposed. I felt satisfied, when I recommended, early in my official career, the resort to taxation, instead of additional loans, to pay the interest annually accruing, that the enlightened yeomanry of Pennsylvania would, under the circumstances, sanction the recommendation. I am now convinced I did not mistake their true character; nor can the extraordinary conduct of some persons, professing better principles, who first urged the adoption of the measure, and afterwards denounced those who acquiesced in it, shake for a moment my steadfast convictions on this subject. I always believed the people would do their duty, let it cost what it might; the first instance is yet to be found in our history when they have flinched from it, if rightly understood.

The unprecedented increase of our population and resources, cannot fail, in a few years to render our improvements so productive as to supercede the necessity for taxation. The ultimate value of our stupendous system of public works can hardly now be estimated.—

They have already added an incalculable amount of value to the property of the citizens of the Commonwealth, and given an earnest of their capacity for future usefulness. The travel and transportation upon them must increase in full proportion with the multiplication of our population, and the development of our exhaustless resources. When it is recollected that the population of this State in the year 1800, was only 602,545; that in 1820, it was 1,049,313; and in 1840, it was 1,724,033; showing an increase within the last twenty years, exceeding the whole population in the year 1800; and when it remembered that this immense, increased and increasing population has imparted, and is imparting its intellect, energy and industry to the improvement of the agricultural, mining, manufacturing and commercial interests of the Commonwealth; and that during the past year, when trade and business were greatly depressed; when the Delaware division was not in use until about the 1st of August; and when the important anthracite coal trade from the Wyoming, Shamokin and Bear Valleys, and other intermediate points to tide; and the bituminous coal trade from the Allegheny mountain on the West Branch, and Juniata region to tide; have been barely commenced, the receipts of toll amounted to the sum of $762,260.44, it will be difficult to form a just estimate of the extent of their future usefulness and extended receipts.

These internal improvements, for the construction of which the principal amount of the State debt has been incurred, consists of 768¼ miles of canals and railways completed, and 165¾ miles of canals in progress of construction and nearly completed.

The finished works are the following:

	Miles
The Delaware canal, from Easton to tide at Bristol,	59¾

The main line of canal and railway from Philadelphia to Pittsburg, ...	395¼
Canal from Beaver on the Ohio river to Greenville, in the direction of Erie, ...	72¼
Canal from Franklin on the Allegheny river to Conneaut lake, ...	49¼
Canal, Susquehanna and North Branch from Duncan's Island to Lackawanna, ...	111¼
Canal, West Branch from Northumberland to Farrandsville, ...	73
Several side cuts and navigable feeders, ...	7
Total Canals and railways completed, ...	768¼
Canals in progress and nearly completed:	
North Branch extension, from Lackawanna to New York line, ...	90
Erie extension from Greenville to Erie harbor,	63½
Wisconisco canal from Duncan's Island to Wisconisco creek, ...	12¼
Total canals in progress, ...	165¾

The report of the canal commissioners, with the accompanying documents, which will shortly be laid before you, will show in detail, the state and condition of our public improvements. Having in former communications to the Legislature, stated my views in relation to our system of internal improvements, I beg leave, respectfully, to refer you to them, as being unchanged, without wishing unnecessarily to extend this communication, by embodying them in it.

When I first entered upon the duties of the Executive department, the question of completing the North branch and Erie extensions was submitted to the action of the Legislature. The representatives of the people decided in favor of completing both, and have by three subsequent acts, appropriated considerable

sums of money for that purpose. The North Branch canal has already cost $2,348,276.38, of which the sum of $389,676.42 remains yet due to contractors. The Erie extension has already cost about $2,919,507, of which the sum of $574,406.23, is yet due to contractors. The grave question is now presented to your serious consideration, whether, under all the circumstances, those two lines are to be forthwith finished, or abandoned for all time to come, and the entire amount of labor and money expended upon them thrown away. Contractors who have gone on to the work, and perhaps executed the least profitable part of it, will have fair claims on the justice of the legislature for remuneration, for the losses they have sustained by an abandonment of the work by the commonwealth. Judging from the success which usually crowns perseverance, in similar applications, before the legislature, there can be little doubt that this class of claimants will not go away unanswered and unsatisfied. The farmer whose lands have been cut up and destroyed, will also be a just claimant for compensation for the injury he has sustained, for which the advantages from the proposed canal will not be an available set off; and it may be well to enquire whether the amount of those claims would not go far towards the completion of those branches of our improvements. The only valid objection to a prosecution of these works to completion, is the difficulty to be apprehended in raising the necessary funds for the purpose. The estimated cost to complete the Erie extension is $536,142.46, and the North Branch $1,298,416, independent of the arrearages due contractors, as before stated, which must be paid at all events. More confidence can be placed in the accuracy of these estimates of the cost of completing these works, than could be extended to those made in the earlier stages of our public improvements, from the increased prac-

tical experience of those intrusted with the duty of making them. My own opinion remains unchanged, that it is our true policy to go on and complete both these works with as little delay as possible. This, however, is a question exclusively for your decision.

For the debts now due to contractors on these lines, as well as for repairs on the other lines, rendered indispensable, and without which many portions of our canals would have been unavailable and useless throughout the season, I respectfully urge that some prompt and immediate provision be made. Many of the contractors have laid out of their money for a long time, and have suffered serious injuries by the delay. If no better expedient can be devised, I would recommend the immediate issuing of a six per cent. stock to all such creditors, redeemable at such time as shall be thought most expedient.

The amount required to pay debts for repairs on the several lines of canal and railroad, it will be observed by the report of the canal commissioners, is unusually large. This is to be ascribed to the unprecedented breach which occurred in the Delaware division, in January last, which cost $150,000; to the renewal of the North track of the Columbia railroad; to the rebuilding, in a permanent manner, the locks, bridges and aqueducts on several of the divisions, and particularly on the North Branch, where the original superstructures, composed entirely of wood, had so far decayed, as to leave no other alternative, than either to renew them throughout, or abandon the navigation entirely. It is also, in part, to be ascribed to the fact, that only a portion of the funds appropriated by the act of the 4th of May last, for repairs, and to pay debts then due, became available; leaving a large balance of the appropriations to these objects, therin authorized, still due to the public creditors.

There is always, even under the most economical ad-

ministration of affairs, a greater amount of expense incurred in managing and keeping in repair great public improvements for the Commonwealth, than it would cost if they were in the hands of individuals. It is, therefore, respectfully suggested for the consideration of the Legislature, whether the public interest would not be promoted, and the amount of the State debt considerably lessened, by a sale of the canals and railroads belonging to the Commonwealth, or at least a portion of them, or such other disposition as would diminish their annual expenses to the Commonwealth, and increase the amount of revenue from them.

Were the Commonwealth free from debt, I should hesitate to recommend the sale of any of her public improvements. But oppressed as she is, the cost which the repairs require, and the necessity of relieving ourselves as far as possible, induce me to urge action on this subject, at least so far as regards the Columbia railroad, and the Delaware division of the Pennsylvania canal. It will matter but little to those interested in the use of the improvements, whether they are in the hands of the public or of individuals, provided proper safeguards are enacted to protect the public in the free use and enjoyment of them, and to guard against abuses and exactions.

If it be objected that sales cannot be effected in the present state of our pecuniary embarrassments, that will be no reason why a law should not now be enacted authorizing the sale of such portions of them as shall be deemed proper, subject to the approbation of the Legislature on the sale being reported. If sold, even on an extended credit, if the principal be secured, and the interest punctually paid, it will so far relieve the Commonwealth. If it were made a condition that State stock should be received in payment, it would probably make the sale more advantageous to the Com-

monwealth. The dispositions of capitalists would thus be made known, and it can at least be ascertained whether a sale at an adequate price can be effected. The policy of leasing for a term of years, one or both of these improvements, has been more than once suggested. Of the propriety of so doing, I am not prepared to express a decided opinion, but have thought it worthy of a suggestion for your consideration.

That the public works should be unproductive, is owing in a great measure to a want of proper legislation on the subject, and unless this be remedied, it must impair public confidence in their ultimate utility. The Canal Commissioners have repeatedly urged upon the Legislature the propriety of allowing the Commonwealth, alone, to carry the passengers on the Columbia railroad. No railroad in the United States could sustain itself, if it were to relinquish the carrying of the passengers, yet, on that road, this strange condition of things is exhibited. The State has expended in its construction over four millions of dollars, while the capital employed by those carrying the passengers, is perhaps thirty thousand dollars. The State on her immense outlay, is reaping about three per cent. while the individual carriers, on their thirty thousand dollars, are clearing nearly 200 per cent. So it is, also, with regard to the transportation between Philadelphia and Pittsburg. That line of our improvement, between those cities, was constructed at a cost of a fraction over fourteen millions of dollars. The transportation on it is monopolized by some seven or eight companies, employing a capital of less than one hundred thousand dollars; yet, while the State is receiving little more than will keep it in repair, the transporters are realizing immense profits, and that, too, on a comparatively small outlay.

This can only be remedied by vesting the Canal Commissioners with full and ample authority to adopt such

measures as in their judgment will be best calculated to enlist individual enterprise and invite competition, and to counteract the effects of the selfish and monopolizing system that has controlled, and now controls, the transportation on our public works.

It may possibly be supposed that the Canal Commissioners possess adequate power already for this purpose, but this is to mistake the case. From the nature of that department of the government, it is always made the target at which the discontented and interested point their shafts. Not a session of the Legislature passes without harrassing the Commissioners with investigations—the whole State is ransacked for accusers- every act is questioned and misrepresented,—and, after all, the result is fruitless. The first instance is yet to be found in which any thing tangible has been produced, or any salutary reform of the system effected. Were the Legislature to devote one session to an honest and thorough examination and correction of the abuses and defects of the system, without annoying and pursuing individuals for sinister ends, not openly avowed, much good would be produced; but under any other mode of treating this subject, the issue must be as idle and frivolous as heretofore. I do not wish to preclude the most searching investigation. I merely desire to direct your attention in a channel that will be beneficial to the public.

One of the greatest evils of these frequent and frivolous investigations is, that they bring legislative investigations themselves into discredit. The persecution of the innocent, always affords a shield to the guilty.

It is now, throughout the country, a matter of idle sport to talk of these investigations. The mode by which they are brought about is well understood. A few dissatisfied contractors, and others, impose on the

credulity and stimulate the ambition of some member of the legislature to offer a petition, complaining of public grievances. A committee to investigate is appointed,—subpœnas are issued, and straightway, swarms of hungry confederates throng the seat of government, to prosecute their claims before the legislature,—to lounge at the public expense, and join in a wholesale pillage of the treasury. At the close of the session the committee reports,—the witnesses return to their homes, and laugh at the trick as they pocket the spoils. By reference to this subject, it will be found that a large portion of the legislative expenses is incurred in this way. The extraordinary increase of these expenses, over those of all other departments of the government, has been of late years a matter of just complaint.

It becomes my duty, in the next place, to invite your earnest attention to the present condition of the banks and currency of this State. It is a most lamentable fact, that, in relation to this subject, the greatest irregularity and disorder prevail. It is true, we have little, if any, of that wretched illegal trash in circulation, which, during the early part of the last six years, inflicted all sections of the Commonwealth, in the forms of notes, checks, certificates, &c., &c., of corporations and individuals, for small sums, put forth without lawful authority, and in spite of the prohibitions of law: but we have, what is little better, a large amount of notes in circulation, ostensibly legal, and purporting to be of equal value, because founded on the faith of the State, by whatever bank issued, and yet, notwithstanding this fact, discredited and repudiated by the very institutions for whose benefit and relief they were authorized to be issued.

The act of the last session, entitled "An act to provide revenue to meet the demands on the treasury and for other purposes," under the provisions of which,

these small notes have been thrown into circulation, having become a law by the sanction of two-thirds of the Legislature, according to the forms of the Constitution, notwithstanding the objections of the Executive, I have exerted myself to the utmost to see its provisions properly carried into effect. This was my duty, as the Executive, and I have faithfully performed it, agreeably to the best dictates of my judgment. I did hope that some of the evils which have resulted from it, might have been obviated, if it was enforced by me, and acted upon in a spirit of enlarged wisdom, by the banks themselves. This hope has been vain. The worst anticipations have been realized, and it is my duty to suggest such a remedy as appears to me to be the best calculated to correct the grievances under which the public labors.

By this act a loan of three millions one hundred thousand dollars was authorized, to pay specific appropriations made by the said act, and the several banks of the Commonwealth, subject to the payment of a tax on their dividends, were authorized to subscribe for the same, in certain proportions to the capital stock of each.

The whole amount of banking capital in the Commonwealth is, ...	$23,559 374
Banking capital not subject to a tax on dividends, ...	5,150,000
Banking capital subject to the payment of a tax on dividends, ...	$18,409,374

Of the banking capital subject to the payment of a tax on dividends, banks holding to the amount of $10,836,145, did not accept of the provisions of the act of the 4th May to provide revenue, and hence the capital of the banks which did accept of the provisions of the said act, amounted only to the sum of $7,573,229.

The whole amount of the loan taken by the accepting banks and paid into the treasury is $1.756.650.68, leaving the sum of $1.343.349.32, which has not been received.

On the 30th August, 1841, I accepted an offer of the Towanda Bank, to subscribe for an additional sum of one hundred thousand dollars of the said loan, and on the same day, I accepted an offer of the Erie Bank, to subscribe for an additional sum of three hundred and fifty thousand dollars.

Of these offers the state treasurer agreed to accept from the Erie Bank, the sum of twenty-five thousand dollars, and from the Towanda Bank the sum of thirty-seven thousand five hundred dollars. This bank did not accede to the proposition to accept a part of the sum offered, hence no part of the one hundred thousand dollars was received at the treasury. Thus it appears, a very large portion of the banking capital, subject to the operation of this bill, has taken no part of the loan at all, and can, of course, have no claim to indulgence under this law. Those banks which have complied, stand in a different position—their loans must be repaid before they can be forced to resume. It is an inquiry of much moment, whether the banks that have not complied with the requisitions of the law ought not to be deprived of the advantages arising from the use of the notes issued by those that did.

After the most patient reflection on this subject, I am persuaded that the only effectual and certain remedy, is to repeal the act so far as relates to the issue of these notes, and to provide adequate means to discharge the loan on which they are based.—To pay this loan, a six per cent. stock might be authorized to be thrown into market, to sell for whatever it will produce. Should there be a small loss upon it, I am sure it will be deemed a very inconsiderable matter, com-

pared with the inconvenience the people suffer from the present state of things. To remedy this, a sacrifice, to some extent, is inevitable.

Connected with the repeal of this law, should be the enforcement of specie payments by the banks. An early day should be fixed for this event, at least as early as the first of June. The time, however, is not so material, whether it be a few months sooner or later, so that a certain definite and reasonable time be fixed. Your action on this point, cannot be too prompt for the public interest. The community has been long enough held in suspense—let the final issue be at once presented, and it is to be hoped, the people and the banks will be prepared for it when it arrives.

Those banks which are in a sound condition, will conform to the requisitions of the Legislature, without much embarrassment; and those which are not, will thus be brought to the touchstone of their merits. The first will sustain themselves, the later must take their fate. As soon as the produce of the country has found its way to market in the spring, the people will be as able as at any other period, to endure whatever hardships result from this measure. I do not myself believe, that any inconvenience which can arise from it, will be greater, nor anything like so protracted, as those which are felt by all classes now.

It seems to me it would be far better, to bring matters to a crisis at once, than to suffer under the slow, but death-like torpor that has already seized upon all. A very few may, possibly, fall victims a little sooner, who could not escape in the end, but the community at large will ultimately experience effectual relief. Let rashness, violence and injustice be strenuously avoided, but no vain hopes, or empty theories should prevent a cool, calm contemplation of our duty, and a firm and unshaken discharge of it, without turning to the right hand or to the left. A suspension of spe-

cie payments is at variance with every principle of correct banking.

The forbearance hitherto extended to the banks has not been without its uses. It has enabled the banks to test their alleged ability, and to extricate themselves from their difficulties, and has added much to the stock of our experience. It has clearly demonstrated, that if the banks could not regain public confidence, under the indulgence they have received, the system on which they are founded is essentially unsound, and requires thorough amendment or extirpation. We have witnessed, too, under its influence the most extraordinary changes take place, without any sudden or general convulsion. A bank of thirty-five millions capital has exploded and gone down in the midst of us, comprehending within its sphere of business, the most extensive relations, both with individuals and with other banks, without making more than limited portions of the Commonwealth feel the blow with oppressive weight. Looking, therefore, at all these considerations, the indulgence heretofore given to the banks, furnishes the strongest reasons in favor of the course I suggest, and fully justifies its adoption.

I have recommended to three several legislatures the propriety of selling the stock which the State owns in the Bank of Pennsylvania, the Philadelphia Bank, and the Farmers' and Mechanics' Bank, and used every argument that I could bring to bear upon the subject, to convince them of the propriety of separating the Commonwealth from the banks, and of disposing of the stocks she holds in them. I recommended it in a message, communicated on the 7th March, 1839, on which day the market prices of the said stocks were, for the Bank of Pennsylvania, $496 for $400 paid; Philadelphia Bank $108½ for $100 paid; and the Farmers' and Mechanics' Bank, $62 for $50 paid.

The same recommendations were again made on the 8th January, 1840, at which time the following was the price of said stocks—for Bank of Pennsylvania, $410. Philadelphia Bank $99½; Farmers' and Mechanics' Bank $54¼. A similar recommendation was made 6th January, 1841, on which day the following sales were made, viz: for Bank of Pennsylvania $412; Philadelphia Bank $100; Farmers' and Mechanics' Bank $52½; making the said stocks, held by the Commonwealth, worth $2,157,970. By the last sales made during the present month, the market value of those stocks are, for Bank of Pennsylvania $160; Philadelphia Bank $48; Farmers' and Mechanics' Bank $30; making the present total worth of those stocks $902,424; by which it is seen that by the course pursued by the last legislature in refusing to authorize a sale, the loss sustained by the State, on those stocks, amounts to the formidable sum of $1,255,546. I renew the same recommendation to you, for the reasons given, from time to time, in my several communications on that subject.

Before I dismiss the subject touching the banks, I desire to call your attention to the policy of rechartering banks by the Legislature, during the present session, at all. When a charter for a bank has been granted to a number of individuals, for a fixed period of time, there is no express or implied obligation to renew it. On the contrary, the very limitation shows that its existence is to be terminated at the time designated. Its stockholders know this, and cannot complain if held to their bargain. The condition of banks never is known till they are wound up and closed. Their mode of doing business enables them to defy public scrutiny, and to acquire a credit and standing to which they may not be justly entitled. Frauds and irregularities of years perpetration are concealed from the eye of the public till a final settlement of the

affairs of the bank is made. Little knots of persons confederate and gather round these institutions, reap the benefit of their existence,—monopolize their advantages, and perpetuate their power. We seldom find among them the energy, intellect and enterprise of the community, but those who derive their consequence from their combinations sanctioned and invigorated by the law. I cannot think such a system as this, of perpetuating these corporations, congenial to our free institutions. It establishes monopolies of the most odious kind, because not limited in duration. If the business of the community really requires the aid of a bank, instead of renewing the charter of the one about to expire, establish a new one. Let its subscription books be open to all, and if it be advantageous, let all share in its enjoyment who may choose to do so, and if not advantageous, let all participate in bearing the burden.

Besides, it is not a fit time to renew bank charters or to establish new ones. The public mind is not settled on this subject, nor can we fully appreciate the soundness or unsoundness of the banking system until a resumption of specie payments takes place. Let the recommendations I have now submitted to you be adopted, and let us wait a year at least to judge of their results. This experience will essentially aid future legislation, and perhaps rescue us from fatal errors. The history of the legislation of this Commonwealth, in regard to banks, is a succession of plausible theories; let us hereafter rest it on the solid basis of enlightened experience. Then may we hope to escape the rock on which all our banks are now temporarily shipwrecked. I hope and trust most, if not all of them are able to resume specie payments; but it is impossible to know this, or to confide in their ability and disposition to do so, until we have the proof, which they alone can furnish. The public has ceased

to yield its credit to any corporate pretensions, which are not supported by corresponding acts. I have appended several tables connected with this subject, as affording matters of convenient reference.

The general subject of creating and regulating corporations, is so intimately blended with that of the banking institutions of the Commonwealth, as to claim a place next in our consideration. I have remarked in former messages, that the creation of corporations for all purposes, has been carried to a fearful extent in this State. Year after year they have been springing up around us on all sides, and are rapidly becoming competitors with the individuals in all sorts of business. When confined to their legitimate purposes, such as the construction of canals and railroads into our fertile interior and rich mineral regions, I shall not utter a word of complaint; but to this limit, strictly should they be restrained. The increase of corporations is a growing evil. I have again and again cautioned the Legislature against the granting of corporate privileges; I cannot too strongly impress this caution upon your minds. On referring to the acts of the last Legislature, we find the grant of corporate privileges to have been free and almost indiscriminate. So much so, that of 147 laws enacted, more than one third were either acts of incorporation, or acts supplementary thereto. I adhere to the opinion, heretofore expressed, that corporations ought never to be created where the object to be accomplished is within the probable reach of individual exertion. They absolve men from personal liability, and may tend, by undue combinations and concentrated action, to embarrass the operation of government, and interfere with the popular sovereignty. Let the present Legislature set the example of resisting these monopolizing encroachments. If the propriety of this course was ever doubtful, the experience of a few years past

has dissipated all doubt, and clearly marked out the path of duty.

On this subject, there is another matter which has been repeatedly brought under my notice. I allude to the extension of the authority to create corporations for various purposes, conferred on the courts of Common Pleas, by the 13th, 14th, 15th and 16th sections of the act of the 13th of October, 1840, entitled "An act relating to Orphans' courts, and for other purposes." Charters of incorporation are procured under this law, on application to the respective courts of common pleas, without being subjected to any other restrain or control than their own hasty perusal. Notice, to be sure, is directed to be given, but that is of little avail. There is no common standard for the whole State, as was the case when these charters were to be approved by the Attorney General and the judges of the supreme court, and enrolled in the Department of State, at the seat of Government. Under the old system, there was uniformity in the provisions contained in these charters; but now, under this new law, the discretion of different courts may essentially differ, and ultimate confusion and disorder cannot fail to ensue. These domestic corporations, as they may be called, are of great service to the public, but it may be fairly questioned whether it will not detract from their uses to render their creation a matter too ready and unchecked. I invite your attention to this subject, and if you should agree with me in opinion, it will be easy to remove all ground of complaint, by restoring the power of granting these charters to the hands in which it has been safely lodged for upwards of half a century. The delay and inconvenience of the old system were fully counterbalanced by the certainty, consistency and uniformity of the corporate powers and privileges enjoyed by the corporations created.

The Legislature, by the Act of 16th June, 1836, conferred equity, or chancery powers, on our supreme court, courts of common pleas, and district courts, in certain specified cases. There are also certain other enactments, on the same subject, in the 39th section of the act of 13th June, 1840, and perhaps in other acts. It is stated that some of the provisions of these various laws are incongruous, that the jurisdiction conferred is not expressly defined, and it has been decided by the supreme court that the parties aggrieved have no redress by appeal from the inferior tribunal to the supreme court, or by writ of error from the latter to the former. If it be deemed advisable to retain the features of these enactments in our jurisprudence, it would seem requisite that the evils complained of should be removed by legislative enactment.

I would also recommend an examination into the state and condition of the extent and business of the several judicial districts of this Commonwealth, so that the amount of labor of the several President Judges, some of whom are at present overburdened, may be in some measure equalized.

There are complaints of the accumulation of business in the courts of the city and county of Philadelphia, and especially of the difficulty of reaching, in a reasonable time, the trial of causes at nisi prius in the supreme court. This last is said to arise from the time that the court is necessarily obliged to devote to the business in banc, where they have to decide appeals and writs of error. Whether such complaints be well founded or not, I am not prepared to say.—A careful examination into the whole subject, and such enactments as shall be found necessary to meet any evils that may exixst in the administration of justice, and give to every one an opportunity of speedily trying his cause, is respectfully recommended.

It is often made the subject of complaint that the

decisions of the supreme court are not published under the supervision of a reporter appointed by authority of law. I think it is worthy your inquiry, whether the public interest would not be promoted by providing for the appointment of such a reporter, who shall be responsible to the public for the manner in which he discharges his duty.

Complaints continue to be made in many counties of the manner of selecting juries. Unless some additional guard be thrown around this inestimable right, public confidence in the trial by jury will be much diminished. This most wise and venerable of all human and social institutions, must be guarded against the possibility of encroachments, and this long boasted bulwark of liberty protected from prostitution to purposes not intended by the constitution. I therefore recommend that the jurors be annually selected by the judges of the court of common pleas, or some two of them, together with the sheriff, and that they be drawn by them in open court, or that some other provision be made, that the trial by jury may be respected and effectually secured.

The laws relative to collateral inheritances imperatively call for revision, in order to insure the collection of money from that source. I respectfully recommend the adoption of the amendment suggested in a former communication, to enjoin it upon the registers of wills to inquire of all executors and administrators, on oath at the time of granting letters, whether the estate of their testator, or intestate, will be, in their opinion, the subject of the laws relative to collateral inheritances, and that the register give notice of all such to the attorney general, or his deputy, whose duty it shall be to make a record thereof, and enforce the collection, from time to time, of the moneys arising therefrom, and hand over his record to his successor in office.

The eighth section of the sixth article of the constitution provides that all officers, whose election or appointment is not therein provided for, shall be elected or appointed as shall be directed by laws. There has been no legislative action on this subject, so far as regards the offices of Surveyor General, Secretary of the Land Office, and Auditor General, since the adoption of that instrument. As the commissions of the present incumbents will expire on the 10th of May next, it would seem to be a suitable time for providing by law for the tenure of those offices. They, with the Secretary of the Commonwealth, constitute what is usually denominated the cabinet, and the Executive is answerable to public opinion for the manner in which they perform their duties; yet under the existing laws he possesses no power of removing them, even for the most palpable dereliction of duty, during the time for which they are commissioned. I respectfully recommend this subject to your attention, and that those officers be placed, as to tenure, on the same footing as the constitution has placed that of the Secretary of the Commonwealth.

So far as respects the office of Attorney General, it seems proper that the tenure should remain as it is. It is in truth a common law office—the incumbent is the legal advisor of the Governor and heads of departments, and is the legal hand by which the Executive functions are performed.

The duty will probably devolve on you to make provision for the election of representatives to represent this State in the Congress of the United States. As soon as Congress shall have decided on the apportionment according to the last census, no time shall be lost to lay the same before you.

The report of the Superintendent of Common Schools will put you in possession of the state and condition of our colleges, academies, female seminaries and schools. The general evil, of which we have

just cause to complain, is the incompetency of many of those employed as teachers. The compensation to them is generally low, and yet is is generally more than many of them can earn as teachers, if the possession of knowledge and the capacity to impart it be requisites for those entrusted with the moral and mental training of the rising generation. Upon this, and upon all other subjects connected with the important work of education, I must refer you to the report and documents which the superintendent will furnish, and shall only remark, that I will most cheerfully co-operate in any and all measures which shall place the means of acquiring a sound and practical education within the reach of all the children of the Commonwealth—elevate the character and improve the qualifications of our teachers—and enlarge the usefulness and increase the benefits to be derived from our colleges, academies and seminaries. A sound education, under proper moral and religious training, is the best legacy a parent can bequeath to his child, and the best provision a patriot can make to secure the permanence of republicanism in its purity.—To our system of common schools, alone, can we look as the means of imparting this education; and on this system, at last, as the corner stone, must we rest our free institutions, and our best hopes, to see them descend, unshaken, to those who come after us.

The duties of the Superintendent of Public Schools, have become so onerous as to occupy almost the entire attention of the incumbent, and to leave him but little time to devote to the other duties of Secretary of the Commonwealth. I respectfully recommend this subject to your consideration, and whether a regard to the public interest does not require a separation of the duties of Superintendent from that of Secretary of the Commonwealth.

I cannot but repeat what I said in my first annual

message, that we are in need of a proper system of school books, to be used in our schools, and which should be composed by competent persons for the instruction of the youths of Pennsylvania; such a course as would tend properly to impress our youth with a due regard for our Commonwealth, and endear her to their hearts. Her position, wealth and intelligence; the admirable and free system of her laws; her unwavering patriotism and devotion to republican principles; her distinguished philanthropy and benevolence, entitle her, in a pre-eminent degree, to the love and veneration of her children, who should be early taught to estimate her great characteristics.

The twenty-third section of the first article of the constitution of this Commonwealth provides, that "every bill which shall have passed both Houses shall be presented to the Governor. If he approve he shall sign it, but if he shall not approve, he shall return it with his objections, to the house in which it originated, who shall enter the objections at large upon their journals and proceed to reconsider it." The section then proceeds to provide, that such bill, so returned, shall not become a law, unless two thirds of each house shall, on a call of the yeas and nays, agree to pass the bill. This provision was inserted in our constitution of 1790, and retained in that of 1838, from a conviction of its use, as well as necessity. It was intended for the protection of the people against hasty, improvident and improper legislation. The constitution, while it gives to the two Houses the right to prepare, to amend and pass the several bills, still makes the Executive an active constituent part of the legislative power. This concurrence, in acts of legislation, is required to be expressed in an appropriation of the act proposed. When he conscientiously believes that the proposed measure is wrong, he would be reprehensible, were he to give an approbation he cannot

feel.—Deriving his power and authority directly from the people of the whole State, his interposition of the veto power may be essentially necessary, to preserve the interests of the Commonwealth from the operations of local causes. Whatsoever reasons, however, induced the imposition of this duty upon the Executive originally, it is enough to say, that the duty is enjoined in our organic law, and I believe wisely. It has been my lot, as well as that of all my predecessors, I believe, on several occasions, to exercise the power thus conferred. I have always done so with due deliberation, and only when the exigencies of the occasion furnished to me satisfactory and conclusive reasons for so doing. It is, however, a power which I have never hesitated to exercise, when duty required it at my hands. During the last session of the legislature, I was obliged to exercise this power oftener than heretofore. I did so, at a time when my conduct was about to undergo the ordeal of public opinion, and there seemed to be a disposition to make the exercise of this power an important issue before the people. That issue was had, and the result has expressed the voice of the public upon it, in a way not easily misunderstood.

Had the duty, thus enjoined by the constitution upon the Executive, been freely and fearlessly performed, in the early legislation upon the subject of our internal improvements, we should not now be involved in debt to the extent we are, and there would not have been millions of dollars expended upon works of doubtful utility, or of minor public importance. Our main and leading avenues of inter-communication alone, would have been constructed, and the State saved from all danger of being dishonored by failing to meet her engagements. Far be it from me to reflect on my predecessors, but it is our duty to gather wisdom from experience, and to avoid, as far as possible, the repetition of error.

In the months of June and August next, the commissions of the militia officers within this Commonwealth, will expire by their own limitation. It would, therefore, seem to be a fit time to take up that very important, but much abused subject. One of our most important duties is to cherish and encourage the true military spirit among our citizen soldiers. In war, and in all trying emergencies, on them we must rely, chiefly, to protect our homes and firesides from aggression,—our national honor from insult, and our liberty from destruction. It is too much the habit of some, who should know better, to decry and underrate our militia and volunteers. Those who remember their services in the revolution, and late war with Great Britain, entertain a very different opinion. Let the organization of volunteer companies be promoted—let them be furnished with arms and accoutrements—let them devote all the time they can spare, to the acquisition of military discipline, and they will speedily silence the voice of censure and of prejudice, and strengthen the arm of our national defence.

A convention was held within the last season for the purpose of devising and recommending a more effective military system, and the result of their labors will shortly be laid before you; in relation to which I take occasion to say, that the opinions of that convention, combining as it does, much of the talent, experience and military knowledge of the country, will be entitled to, and doubtless wil receive at your hands, the most respectful consideration. American freemen should never lose sight of the solemn injunction of the father of our country, "In time of peace prepare for war."

The geological survey of the State is nearly completed—the past season having brought the exploration to a close. As soon as the field work can be reduced to shape, the State Geologist will, this winter,

enter upon the preparation of his general report, intended to embody the results of the whole survey. While the final report is in progress, the engraving of the maps and drawings, which will require time, and the arrangements of the State cabinets, as far as they are in readiness, might be advantageously commenced. As a portion of the workmen can be put to press before the meeting of the next legislature, it seems advisable that provision should now be made, for preparing and publishing the details. This very important survey, developing the nature and extent of our immense mineral resources, having been prosecuted steadfastly to its completion, sound policy and economy certainly require that the results should be embodied and published with all possible despatch.

The enormous amount of capital invested in our various works of internal improvement, admonishes us to exert our utmost power to render them productive. There is one matter connected with this subject, to which I desire to call your earnest attention. The experience of every year proves more clearly the necessity of our action upon it. I allude to the removal of obstructions from the channel of the Ohio river. The general government has several times directed its inquiries into this measure, but has never yet undertaken the effectual execution of the project. It is a measure in which Pennsylvania is most deeply, but not alone interested. The great and growing western and southwestern States, embracing nearly the entire valley of the Mississippi and its tributaries, have a direct and abiding interest in its speedy completion, as well as Pennsylvania. For the important national purposes of transporting the mail, for transferring armies, and conveying the munitions of war, it is of quite as great moment. Indeed it addresses itself to every duty, state and national, and appeals to every interest that should command the care and guardian-

ship of both governments, in a manner not easily resisted.

Considering it as the legislative guardians of Pennsylvania, we are constrained to urge it upon the General Government on grounds the most just and unanswerable. Cut off as the navigable communication with our improvements is, from Pittsburg to Louisville, for a large portion of the year, it diminishes the value of those improvements to a ruinous degree, forces business upon other less direct and convenient routes, and of course, operates to the serious disadvantage of the mercantile, agricultural and manufacturing classes of our citizens. It is a singular and startling fact, that insurances on goods to be delivered at Cincinnati, are now effected in the city of Philadelphia, cheaper and more readily, by the way of the New York canals, Lake Erie and the Ohio canal, than by the direct and natural route through our own improvements to Pittsburg. I learn that the whole difficulty in this particular, lies in the uncertainty of the navigable state of the Ohio river. Thus is a large share of business daily diverted from our public improvements, and the probability, nay, the certainty is, that as regular lines of transportation are established on those collateral improvements, this diversion of business will be greatly augmented. We are most imperatively called upon to look to this matter before it is too late.

In the commencement of her stupendous system of public improvements, this State was induced to incur the vast liability she did, under a conviction that the trade and business of the west and south would afford an adequate return. It was on the general assurance that this would be secured to her, that she opened the highway to the seaboard for those rich and vast interior regions. Pennsylvania now relies on the sense of justice which she knows will, on this, as on all sub-

jects, actuate her sister States, in determining on a measure calculated to alleviate the burthen that is weighing down her citizens. Those States which, during the progress of our main line of improvements from Philadelphia to Pittsburg, looked on with an interest little less lively than our own, will not surely withhold their aid from rendering the channel of the Ohio navigable at all practicable seasons, and thus completing the entire line of improvements began by Pennsylvania, now when experience has demonstrated the necessity of this measure. I trust the Legislature will exert its utmost efforts to engage the National Government in this work, which is so obviously one warranted by its constitutional power, and by sound policy.

It is proper to mention two other measures of national policy in connection with this subject, in both of which this State has such an interest as to justify the interposition of the Legislature. I speak in reference to the establishment of a National Foundry, and the construction of a Dry Dock at Philadelphia. The first of these has recently engaged the attention of Congress, and seems likely to be received with general favor. Not disparaging the claims of other sections of the country, we may without fearing contradiction on very rational grounds, urge in behalf of Pennsylvania, the most conclusive reasons. Among them are our central position, our contiguity to the seaboard, our numerous and perfectly safe inland communications with almost every section of the Union, and above all, the deposites of coal and iron scattered throughout our borders, to an extent unknown in any other quarter of the world. We have in these, every conceivable advantage, to recommend some point, perhaps in the valley of the Susquehanna, to the selection of Congress, as a site for a National Foundry; and the same reasons in point of location, apply with

equal force in favor of constructing a Dry Dock at Philadelphia. In addition to these, its safety from the attacks of an enemy, its fresh water supplies, its conveniences of procuring timber and workmen, all conspire to enforce its claims upon the notice of the General Government in the most convincing form. I will cheerfully co-operate with you in any manner deemed most advisable in impressing these consid erations upon the National Government. If properly represented, I do not think they can be overlooked.

The recent convulsions in our commercial affairs, have tended to the deep and lasting injury of this Com monwealth. I fear it will require years of industry, prudence and integrity, to wipe out the stain from our escutcheon, and to replace us on that solid, manly and proud footing we once occupied in the estimation of the world. The wild and headlong spirit of specu lation and stock gambling has brought disgrace to our doors, and stamped everything depending on our business fidelity, with suspicion and discredit. This taint of character has extended too far. It has reached the whole community, when in truth it ought to have been confined to those only whose folly, imprudence or dishonesty gave color to the charge.—The great body of our citizens are free from debt, have never engaged in ruinous fancy stock speculations, are abundantly able and willing to comply with all their obligations to each other, and to the citizens of every other State our country. It is true, our situation and habits of business have rendered us a debtor State, and subjected us to responsibilities, which might eas ily have been avoided under a different system of policy. We purchase large amounts of manufactured goods of all kinds from the eastern States, to consume ourselves, and to sell to the citizens of the south and south west. We are liable on the failure of our debt ors, to pay for the commodities we purchased and

sold to them, and we of course must pay for those we use ourselves. We can only discharge these debts in cash, or by selling to our eastern manufacturers, our coal and iron in their raw state.—This very iron, in a thousand shapes, we purchase afterwards at an enormous advance for the labor bestowed on its manufacture, and thus become debtors for labor that we ought to perform ourselves. For leather, boots, shoes, &c., cloths and other domestic manufactures, we are daily incurring immense debts to the citizens of other States, and are now, in the hour of our necessities, feeling the heavy hand of the creditor laid on all our resources.

This ought not to be. It is unworthy the great State of Pennsylvania to depend on the manufactures of other states or of foreign countries, to supply her citizens with those articles for the various purposes of life which they can produce themselves as well, as cheaply, and as abundantly as any other people on the face of the globe. Our valleys teeming with plenty, our hills with exhaustless coal and iron deposits—our streams abounding with water power for all purposes unsurpassed by that in any other country—and our citizens stimulated by enterprise and possessing means to render it effectual, should awaken in us that spirit of independence which disdains to seek at the hands of others that which it can furnish with its own. It is with no feelings of envy, or of local jealousy of others, that I bring this subject to your notice; but with an honest feeling of State pride, and a generous emulation, which should inspire us with a determination not to be indebted to others for those solid and useful means of promoting our prosperity and independence which nature has bounteously lavished on our own citizens.

The duty of encouraging manufacturing establishments, to convert to useful purposes our coal and iron

and indeed to supply all our domestic wants, has become one of peculiarly imperative obligation. The commercial calamity under which we are suffering, has been so much heightened by the circumstances to which I have just adverted, and the inability of our citizens to perform all their contracts, has been so greatly exaggerated by the interested and malicious in other States, that self-respect as well as public spirit calls upon us most emphatically to turn a kind and cherishing eye to their advancement. Every measure that can conduce to this end, will meet my most hearty concurrence. I think inquiries on this subject should be instituted. We want facts as the basis of legislative encouragement. Let them be diligently sought for, and when ascertained, let them be promptly applied to some useful purpose. It is high time the Legislature of Pennsylvania should remember that the interests of Pennsylvania are confided to their especial care.

It is a source of pride and gratification to reflect, that but a small amount of the indebtedness to other States, which is now griping and annoying us, is for commodities disposed of to our own citizens. Nearly every dollar of this domestic debt has been faithfully paid.—The sum now due is for sales made to purchasers in the west and south-west, for whom Pennsylvanians are in truth merely to be regarded as the guarantors. This circumstance is entirely overlooked by our detractors, who are attempting to hold the citizens of Pennsylvania to a rigid accountability, as if she were the very pack-horse of the Union, to bear more than her share of all its burthens and responsibilities. This is unjust—we owe it to ourselves to assume our true position.

Permit me, fellow citizens, in conclusion, to urge upon you a thorough and searching inquiry into all abuses of government and all expenditures of the pub-

lic money, which are not clearly warranted by enlightened prudence. The condition of the public treasury demands this at your hands—and the people confidently trust, that those to whom they have confided the guardianship of their interests, will faithfully perform the duty both of inquiring into, and correcting all the evils they find to exist. It will afford me great pleasure to co-operate with you in the completion of this salutary work. We may meet for a time with obstacles—we will doubtless encounter resistance on the part of those who are interested in perpetuating either abuses or extravagance; but ultimately, we cannot fail to triumph over all difficulties, and to carry into effectual practical operation the great principles of economy and reform—the only true and solid basis on which those who administer the affairs of republican governments, can rest their claims to popular confidence and support.

DAVID R. PORTER.

Executive Chamber, 6th January, 1842.

To the Assembly Vetoing "An Act Directing Certain Suits to be Brought by the State Treasurer for the Use of the Commonwealth."

Gentlemen:

THE BILL ENTITLED "AN ACT DIRECTING certain suits to be brought by the State Treasurer for the use of the Commonwealth," is returned to the House of Representatives in which it originated, accompanied with the reasons that constrain me to refuse it my sanction. I feel it my duty to state, that the bill is a most extraordinary one, viewed in whatever light we may. And the manner in which it was originated and heralded to the no-

tice of the public, was not less extraordinary than the bill itself. It was not passed till the very day before the adjournment of the Legislature; when, amidst the throng of business, then pressing on me, it was too late to return it with my objections. It was accordingly held over until this time, so that the members of the House, and a portion of the Senate, who were elected to the last general election, can pass upon it in such manner as they see fit. They cannot be unacquainted with the fact, that it was made the theme of partizan ribaldry, in all quarters of the State. They can, therefore, judge of the merits of the measure, and of the uses for which it was designed.

The peculiar nature of this bill, calls on me to say a word in regard to the report of the Committee, which introduced it to the Senate and the public. That report professed to give the facts, on which the last four sections of this bill were predicated, and the reasons that justified their adoption. The report of the minority of the Committee, exposing the misstatements and controverting the arguments of the majority, was excluded from the journal, on a pretext which operated with tenfold force, against the printing of the report of the majority. I think the legislative history of this Commonwealth, will be ransacked in vain for a parallel to this majority report. The truth of certain statements in it, deemed material by its authors, will wear a strange aspect, when tested by the journal of the Senate the preceding year and by the Executive minutes, from the adoption of the constitution of 1790, down to the day on which the report was made. The querulous carping, personal and indecorous tone of the report, I pass over without remark. It only proves, as some may think, the good taste and manly spirit of its authors. These are qualities, not for me to applaud or censure, they belong to their constituents. I regret the absence of the authors of this re-

port from the Senate, for I should be glad to afford them an opportunity to vindicate a measure which seems to have been dear to their hearts; but we are bound to presume, that the reasons of their absence, are entirely satisfactory to their constituents. These observations are now made, only to apprize you of some of the circumstances that attended the origin of this bill, and to enable you, the more readily, to understand the force and application of my objections.

The four last sections of this bill, provide for the institution of suits against Daniel Sturgeon, late State Treasurer, and his sureties, to recover back the whole or part of the sum of two thousand dollars, alleged to have been illegally paid, on four executive warrants, in favor of Ovid F. Johnson and James Madison Porter, Esquires, for professional services rendered, in the cases of quo warranto against Isaac Darlington and Oristus Collins, claiming to be President Judges, respectively, of the fifteenth and second Judicial districts.

The said warrants were drawn on the said Daniel Sturgeon, State Treasurer, and paid by him in the usual manner. His accounts were duly settled and adjusted by the proper departments, including and exhibiting the said warrants. He made report of the same to the legislature at the ensuing session. These warrants were especially made the subject of legislative notice.—[Vide Senate journal of 1840, on call of Mr. Fraley, page 75, and House journal, resolution of Mr. Brodhead, page 53.]—And the legislature, to which his report was made, received the same, and passed it without disapprobation, or directing proceedings to be commenced thereupon. The State Treasurer is subject to the call and control of the legislature at all times, while in office; and if he makes mis-payments of the public money, or illegal payments, it is the duty of that body to bring him to account as soon as such

delinquency comes to its knowledge. It is not to be supposed that the legislature will neglect or shrink from the performance of its duty, and I am yet to learn that the legislature of 1840, was more remiss in its duty, or less watchful of the public welfare, than the legislature which passed this bill.

It is not only after all these proceedings that this bill provides for opening again the account of the State Treasurer, but it expressly enacts that no settlement, or alleged settlement of the same, shall be regarded. It also provides that suit shall be brought, not as is required in all other cases of a similar kind, in the county where the seat of government is located, but in a remote county where the said Daniel Sturgeon resides; and suit it to be brought too, in that county, against all his sureties, and process to be served on them in any other county of the commonwealth. It also provides that "it shall be the duty of the court, on the hearing of the cause, to admit in evidence certified copies of the vouchers or accounts on file in the office of the Auditor General or State Treasurer." It is perfectly competent for the legislature to provide that copies of vouchers, &c., shall be hereafter received as evidence in the same manner as the originals would be, but this bill goes much farther. It has a retrospective operation, and compels the court to receive certified copies as evidence, which would not have been evidence when the originals were made, nay, it makes it the duty of the court to admit these certified copies, although the original papers might not be admissable in evidence at all. Nor does it designate what vouchers or accounts it has reference to, for aught that appears, the Court of Common Pleas of Fayette county would be compelled to admit in evidence certified copies of all the vouchers and accounts in the office of the State Treasurer and Auditor General, which have been accumulating since the organization of the

government. A more arbitrary and unreasonable law it would be difficult to devise.

If this is to be considered as a precedent, no man in Pennsylvania can tell when he is safe. Settlements of accounts made in due form of law are no protection. They are to be treated as null and void. If this can be done two years after the settlement is made, it can be done ten or twenty years after, when witnesses are dead and vouchers lost; and to crown all, the suit may be brought two hundred miles from the seat of government, and certified copies of vouchers and papers of all sorts and all kinds are made evidence, however irrelevant the originals might be, in open and manifest violation of every principle of justice and every rule of law, that has hitherto been known in Pennsylvania.

Not content with selecting the court and declaring that things shall be evidence which are not evidence under the laws of the land, this bill further enacts that if the decision be against the commonwealth, the President Judge shall reduce his opinion to writing and file the same, and the State Treasurer shall remove the said case into the Supreme Court for trial and adjudication. No discretion is left to the court or the State Treasurer in this matter, but, however idle and unfounded they may deem the claim of the commonwealth, they are compelled to remove the case into the Supreme Court.

Independent of the provisions of this bill already noticed, there is still an objection of more conclusive weight, which reaches at once the entire merits of the case. That the proceedings in this matter against the two persons claiming to be judges, were requisite and necessary, is shown by the decision of the Supreme Court against their right to hold the offices which they sought to usurp. The amount of compensation allowed to the counsel has not been disputed by any one

competent to estimate the labor, the responsibilities, and the nature of the services performed. The whole question presented is, as to the constitutional right of the executive to draw his warrants for any sum at all. I shall proceed to show that the right is as clear and undoubted as any other right exercised by the Executive. The 13th section of the 2d article of the constitution enjoins on the Governor that "he shall take care that the laws be faithfully executed. This is a brief summary of the duties of the Governor. He is bound to see the laws faithfully executed, and he is amenable to the public for the honest discharge of this duty. This is the most vital function of our government. It is the main-spring of all the others. Without this, laws and constitutions would be mere waste paper, and the government itself a mockery. To enable the Governor to perform this high duty, he is necessarily invested with all needful power and authority consistent with the laws. He must employ agents—he must direct proceedings—he must invoke the aid of courts of justice—and he must have command of pecuniary means to conduct those proceedings which he orders to be undertaken.

This is not only the Constitution, but it has been the construction of the constitution, since the year 1790—under every Governor—in the face of every Legislature, since that day, has this power been exercised; and the present is the first instance, in all that time, wherein it has been contested or questioned. Cases abound in which counsel have been employed in the same manner, and paid, and in which rewards have been offered and paid in the same way, for the detection of offenders, on the warrant of the Governor. In these two classes of cases, the money is paid on the same principle. If the Governor can pay a thousand dollars for the apprehension of an offender against the law, cannot he pay suh a sum, as he deems reasonable,

for his trial and conviction? The exercise of this power, is of course, to be limited to fit appropriate cases; but the constitution has made the Governor the judge of the occasion as it arises. He is responsible to the public for his action; but he is, nevertheless, to judge and decide for himself. I deemed the cases, in which the sums sought to be recovered by this bill, fit cases for judicial investigation. I directed the inquiries to be instituted; it resulted as I anticipated, and I drew my warrants for such sums, to compensate counsel, as I thought reasonable and just. They were paid by the State Treasurer, in the usual manner, and now, two years after the accounts are settled and closed, in the only form known to the laws, it is proposed to sue for the recovery of this money, on the pretext that it was not legally paid. And what is this alleged illegality? That the constitution prohibits money from being drawn out of the Treasury, except in consequence of appropriations made by law.—This is all very well, if those who object, would only take the trouble to consider, that the clause of the constitution which makes it the duty of the Governor to see the laws faithfully executed, does clearly and unquestionably appropriate the necessary pecuniary means for that purpose. There is always a fund in the Treasury to meet such contingent cases as may happen, and the constitution directs its appropriation, in aid of the execution of the laws, without requiring legislative interposition on the subject. This has been the sense given to the constitution since 1790, as understood and practically enforced by every Governor, in numberless cases; and as the same clause remains in the amended constitution, as adopted by the people, without change, I take it for granted this construction of the constitution, met with the approbation of the community.

In interpreting the constitution, we must look at all its provisions, as an entire instrument—as consti-

tuting the foundation of a government, and not at detached lines or sections; considering the whole constitution together, no intelligent man can doubt that the construction which has always prevailed, is right. It renders the functions of government harmonious, consistent and effectual; but reverse the rule of construction, and resort to the petty quibbling which looks not beyond a section at a time, and we should have a government totally unconnected, discordant and impracticable; the jest of statesmen—the shame of all true patriots, and the derision of knaves. Such a government, in my opinion, would the passage of this bill prove ours to be.

Since the principle contained in this bill has been assumed by the State Treasurer as the rule of action, I have forborne to offer rewards for the apprehension of those who had perpetrated the most atrocious crimes, although several instances have occurred, in which I thought such rewards would have proved highly conducive to the cause of justice. I cannot but think any construction of the constitution, which leads to such a result, not only unfortunate, but disgraceful. It is unworthy of Pennsylvania—it is at war with the enlightened spirit of the age. Such being my opinion of this measure, I have felt it my duty to express it frankly and fully; and having done so, I now submit the whole subject to your consideration, to be disposed of as you may think a sense of duty, and a proper regard for the constitution and laws, require.

DAVID R. PORTER.

Executive Chamber, January 6, 1842.

To the Senate Renominating Certain Persons as Associate Judges of Courts of Common Pleas Rejected by the Senate at its Preceding Session.

Executive Chamber,
Harrisburg, January 6, 1842.

Gentlemen:

I NOMINATE THE FOLLOWING NAMED PERsons to be Associate Judges of the Courts of Common Pleas, of the counties annexed to their names, viz:

Joseph Engle, Delaware county.

Jacob Grosh, Lancaster county.

It is proper to inform the Senate, that these gentlemen were nominated to the Senate for the same offices, at the last session. I nominated them at that time, because I was satisfied of their fitness, integrity, and general popularity among their fellow citizens. When they were rejected by the last Senate, I sought in vain for some adequate reason to justify it. I have since made further inquiry, and am persuaded that their fitness, honesty and high standing in the community where they are known, entitle them to at least as much confidence as they enjoyed before their rejection. The places, to fill which they were nominated, being still vacant, and not being able to find any good reason, or indeed, any plausible pretext for with holding them from another nomination, I now make it; and feel convinced that their former rejection ought not to be, and will not be deemed the slightest disqualification, if the candidates be in other respects worthy, and satisfactory to the people in those counties in which their offices are to be exercised.

DAVID R. PORTER.

To the Senate Nominating John King Findlay to be Recorder of the City of Lancaster.

Executive Chamber,
Harrisburg, January 7, 1842.

Gentlemen:

A COMMISSION WAS GRANTED BY ME DURing the recess of the Senate to John King Findlay, appointing him to be Recorder of the city of Lancaster, and I now nominate him to the said office.

DAVID R. PORTER.

To the Senate Vetoing a Resolution Relative to Clerk Hire in the Treasury Department, and for Other Purposes.

Gentelmen:

A RESOLUTION ENTITLED, "RESOLUTION relative to Clerk hire in the Treasury Department, and for other purposes," was presented to me on the 4th day of May last, for the Executive approbation. Not being able to give it that approbation consistently with my sense of duty, I return it to the Senate in which it originated, with my objections.

The first section of the Resolution authorizes the State Treasurer to pay, in addition to the annual amount now allotted by law for Clerk hire in his office, such sum as he may deem just and equitable for the labor and expense which must necessarily be incurred in revising and correcting the books in the Treasury Department; Provided, That such sum shall not exceed the sum of two hundred fifty dollars.

This section contains a reflection on the predecessor in office, of the present incumbent, which I am not willing to sanction without some evidence to justify it. Again, the appropriation now made by law for Clerk hire in the treasury is ample, and the salaries paid to the Clerks, such as should command their whole time and attention. If there be any necessity for "revising and correcting" any of the books in the department, the incumbent and his Clerks, for the time being, are paid for so doing, as part of their official duties.

It is time to put an end to the practice, which had been growing up of late years, of giving extra or additional compensation to clerks for merely doing their duty. The demands on the Treasury are such, that we should be just, and pay our debts, before we are generous and make presents. The sum, in the present instance, is small, but the principle is a bad one. What appropriates $250 now, may be cited as a precedent to justify the useless expenditure of $2,000 next year.

I cannot but urge upon the Legislature, the absolute necessity of a rigid system of economy, and especially, of withholding all extra compensation to Clerks and officers, or for other contingent expenses of every branch of the Government. There is a deficiency in the Treasury already, every dollar of which is to be made up by a tax levied on the property and industry of the people; and if this indirect mode of increasing the compensation of those employed in our public offices is to be countenanced and encouraged by the Legislature, it is not with the Executive sanction.

DAVID R. PORTER.

Executive Chamber, January 7, 1842.

To the Senate Vetoing "An Act Providing for the Appointment and Election of Canal Commissioners by the People."

Gentlemen:

THE BILL ENTITLED, "AN ACT PROVIDING for the appointment and election of Canal Commissioners by the people," was presented to me on the 3d day of May last, for the Executive approbation. Not being able, consistently with a sense of duty, to give it that approbation, I herewith return it to the Senate, in which it originated, with my objections.

I have no objections, as stated in a former communication, to the election of a Board of Canal Commissioners by the citizens of the entire Commonwealth, and had the bill in question contained such a provision, it should have beecome a law with the Executive approbation.

The bill in question proposes, however, in its first section, to change the existing board by a Legislative enactment, and in the next section, provides for the election of successors to the persons so appointed in five districts, arranged as follows:

The first district to be composed of the city and county of Philadelphia, and the counties of Bucks and Montgomery, and to elect one Commissioner. The second district to be composed of the counties of Delaware, Chester, Lancaster, Lebanon, Dauphin, Berks and York, and to elect one Commissioner. The third district to be composed of the counties of Lehigh, Schuylkill, Northampton, Northumberland, Columbia, Luzerne, Susquehanna, Wayne, Pike, Monroe, Tioga, Bradford, Potter, Lycoming, Centre, Clinton, Clearfield and M'Kean, and to elect one Commissioner. The fourth district to be composed of the counties of Union, Mifflin, Juniata, Perry, Cumberland, Adams, Franklin, Bedford, Huntingdon, Somerset, Cambria, Westmore-

land and Fayette, and to elect one Commissioner. And the fifth district to be composed of the counties of Greene, Washington, Allegheny, Beaver, Butler, Armstrong, Indiana, Clarion, Venango, Jefferson, Warren, Crawford, Mercer and Erie, and to elect one Commissioner.

It also proposes that one of the said Commissioners, according to the number of his district, shall vacate his office annually, so that the Commissioner of district No. 1, shall go out of office at the end of one year—No. 2, at the end of two years—No. 3, at the end of three years—No. 4, at the end of four years, and No. 5, at the end of five years, from the general election in 1841, and thereafter the Commissioners elected shall hold their offices for the term of five years.

Independent of objections to the length of the tenure, and other matters of detail, which may be found inconvenient and unsuitable in practice, I predicate my objections mainly on the ground, first, of districting the State for the election of Commissioners, at all,—and secondly, of districting it in the manner proposed by this bill.

The Commissioners to be elected, are to be the Canal Commissioners of the Commonwealth. If they were in sufficient numbers to represent the various sections of the Commonwealth, which are united in a community of interest, in particular parts of our internal improvements, there might, perhaps, be some reason urged for electing them in districts, which would embrace this object. But in the number proposed to be elected, it will be found impossible so to arrange them, and no good object can be gained by electing them in districts, which would not apply with greater force to their election by the people of the whole Commonwealth.

But, secondly, the districting the State in the manner proposed by this bill, is peculiarly objectionable.

If we expect the first district counties, having no community of interest further than the interest common to the whole state, are united for the election of a Canal Commissioner. What peculiar interest in common can the counties of Delaware, Berks and York have?—yet we find them attached to the second district. Or what peculiar interest in common have the counties of Lehigh and Northampton, with the counties of Potter, Lycoming, Centre, Clearfield, Clarion and M'Kean? Yet we find them connected in the third district. Or the county of Union, with the counties of Adams and Franklin, or any of them with the counties of Somerset, Cambria, Westmoreland and Fayette?—Yet they are united in the fourth district. Or the counties of Greene and Washington with Erie, Warren and Jefferson, which we find united with the others in the fifth district? Again, the districts are unequal both in population and territory, some containing according to the last census, a population of nearly fifty thousand more than others; and many of them ill arranged for the purposes of intercommunication between the inhabitants of different portions of them. Why they were so arranged is not explained in the bill itself, and it is left to conjecture. The mind is therefore led irresistibly to the conclusion, that it was done for the accomplishment of objects not avowed.

The political rights of the people have been so wholly disregarded in the present arrangement of the districts of the State, for the election of Senators and Representatives, that I cannot countenance any attempt to extend the system to other objects and purposes, to the prejudice of the people, whose interests I have in charge.

DAVID R. PORTER.

Executive Chamber, January 7, 1842.

To the Senate Nominating Molton C. Rogers to be an Associate Justice of the Supreme Court of Pennsylvania.

Executive Chamber,
Harrisburg, January 10, 1842.

Gentlemen:

A COMMISSION WAS GRANTED BY ME ON the first instant, to Molton C. Rogers, appointing him to be one of the Associate Justices of the Supreme Court of this Commonwealth, a vacancy having arisen in that office on said day, under the provisions of the Constitution. I now nominate him to that office.

DAVID R. PORTER.

To the Senate Nominating Associate Judges for the Several Counties Named.

Executive Chamber,
Harrisburg, January 10, 1842.

Gentlemen:

DURING THE RECESS OF THE SENATE, COMmissions were granted by me to the following persons for the offices respectively annexed to their names, and I now nominate them to the same, viz:

John Shafer to be an Associate Judge for the county of Centre, in the room of Samuel H. Wilson, deceased.

Benjamin Lathrop to be an Associate Judge for the

county of Susquehanna, in the room of Jabez Hyde, deceased.

Samuel P. Lilley to be an associate judge for the county of Mifflin, in the room of William M'Cay, deceased.

DAVID R. PORTER.

To the Assembly Transmitting and Commenting upon the Annual Report of the Adjutant General.

Gentlemen:

I HAVE RECEIVED FROM THE ADJUTANT General of the Commonwealth, his Annual Report, accompanied by a statement, in detail, of the number and condition of the militia and volunteers of the State, together with the returns of the arms, ordnance, camp equipage and military stores deposited in the several arsenals, or which are in the hands of the militia. Copies of which are herewith transmitted.

This report of the Adjutant General proves how indefatigably that officer has been employed in the discharge of his duties. His opinions of our military system, and the means he suggests of improving it, coming as they do from a man of great military experience, merit that respectful consideration of the General Assembly which I am confident they will receive at your hands.

DAVID R. PORTER.

Executive Chamber, Harrisburg, January 10, 1842.

[DOCUMENTS OMITTED.]

Inaugural Address to the Assembly.

Fellow Citizens:

ABOUT TO ENTER UPON MY SECOND AND last Constitutional term of office, as the Chief Executive Magistrate of the Commonwealth, I avail myself of the occasion now presented, to renew to my fellow-citizens the annunciation of the principles which will guide my course in the performance of the high duties imposed upon me by the constitution and laws. It is a source of much gratification to me to state, that it is comparatively a brief and easy task. The address which I had the honor to deliver to my fellow-citizens on my first induction into office, contains so comprehensives and minute an expression of my views on all great questions of policy, that could reasonably be expected to arise, as almost to preclude the necessity of adverting to them again. After a deliberate perusal of that address, and a careful consideration of the numerous perplexing and vexatious questions which have hitherto been presented to me for action, or which I can expect to have presented hereafter, I do not find a single word or sentiment that I would change or modify. As it expressed my opinions and determinations three years ago, it equally and emphatically expresses them now. I beg leave to refer you to it, and to assure you that I adhere to it in each and every sentiment still. Aditional light has only made it more clear to my mind; additional experience has only strengthened the convictions then felt.

I need only say in connection with it, that the present condition of the commonwealth, though apparently more embarrassing than it was at that period, is in reality very little if at all changed. The public debt is substantially the same,—the public burdens only increased to meet obligations then incurred—the Public Improvements are more productive, and public

revenues essentially augmented.—Our banking system, then tottering to its fall, has been examined with searching scrutiny by the public eye—its faults have been detected, its unsoundness exposed, and its dangers guarded against by the dissemination of correct information. The wild and headlong spirit of speculation has been checked. The undue multiplication of the public debt has been restrained, and improvident and wasteful expenditures of the public funds arrested. Experience has painfully demonstrated to the conviction of all, what the sagacious foresight of some apprehended—that nations, like individuals, when they make "too great haste to get rich" are in danger of bankruptcy and ruin.

We have not yet fortunately, reached the fatal point, from which there was no prospect of escape; but we were verging so near, as to render our rescue alike timely and perilous. Cases of individual hardship no doubt exist, but patience, industry and enterprise will effect a cure in most of them; and for those that are remediless, we can but express our sympathy and our sorrow. I trust the latter class is but limited in number and extent. The Commonwealth herself, after a short struggle borne with fortitude characteristic of her citizens, and the integrity that would scorn to tarnish, will overcome all her pecuniary difficulties—will faithfully fulfil her engagements and proudly maintain her honesty and her fame. If there be any of her citizens who would pursue a different course, they will be left undisturbed in the enjoyment of their peculiar opinions, and will be pointed at by the rest of their fellow citizens, as the victims of some mad and dangerous delusion.

Reformation in its abuses, and economy in the expenditures of government, are now made cardinal maxims of policy, by all who have the good of their country at heart. Much benefit has already resulted,

and more it is hoped will in future result from the practical operation of this popular feeling.

Let it reach every department where enlightened prudence and wisdom point the way. Happily we have not, under our government, any of those time honored abuses and corruptions, which in other countries strike their roots so deeply into the constitution, as to endanger its existence by their extirpation. We can correct every abuse, and eradicate every corruption, without touching the vitality of the constitution itself.

In entering upon the last term of office to which the constitution restricts me, I may venture to hope, I shall be credited when I assure my fellow citizens, that my ambition is satisfied, and my gratitude for the honor conferred upon me, most lively and sincere. I trust I shall not be deemed justly obnoxious to the charge in my official course, of looking on my acts and recommendations, to further preferment or re-election. I trust, too, the labor of those who have felt it to be their duty, or their interest, to assail and pervert the measures which met my sanction, will be lightened, and their ingenuity relieved of its onerous taxation, to render their hostility effectual. Henceforth I do most fondly hope, we shall all act harmoniously together, in our respective capacities, for the advancement of the public good, forgetting every other consideration, and dismissing every other counsel, but those which patriotism inspires. And may that Being whose Providence has ever guided and guarded our beloved Commonwealth, through the vicissitudes of both prosperity and adversity, still watch over it and make the promotion of all its interests, his peculiar care.

DAVID R. PORTER.

Harrisburg, January 18, 1842.

To the Speaker of the Senate Announcing the Appointment of Anson V. Parsons to be Secretary of the Commonwealth.

Sir:

BE PLEASED TO INFORM THE SENATE THAT I have this day appointed and commissioned Anson V. Parsons to be Secretary of the Commonwealth, agreeably to the 8th section of the second article of the Constitution.

I have the honor to be, sir,
Your obedient servant,
DAVID R. PORTER.

Executive Chamber, January 22d, 1842.

To the Senate Nominating Calvin Blythe to be President Judge of the Twelfth Judicial District.

Executive Chamber,
Harrisburg, January 22, 1842.

I NOMINATE CALVIN BLYTHE TO BE PRESIdent Judge of the twelfth Judicial District, composed of the counties of Dauphin, Lebanon and Schuylkill, in the room of Anson V. Parsons, who has accepted the office of Secretary of the Commonwealth

DAVID R. PORTER.

To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Gentlemen:

THE NECESSITY OF MAINTAINING UNSULlied the faith of the Commonwealth, has more peculiarly engaged my attention since my induction into office, than any other subject. Every effort has been made to prevent just reproach from being cast upon the republic. I have not hesitated to recommend the imposition of taxes, onerous in themselves, in times of pecuniary embarrassments, in order, faithfully, to meet the engagements of the Commonwealth, and the Legislature has joined in the responsibility of so doing. Considerable uneasiness was expressed by the creditors of the Commonwealth, as to her ability to meet the interest falling due on the 1st instant.—By law the Bank of Pennsylvania was constituted the depository of the State funds, and its agent for disbursing the interest on the public debt. The Executive, by the Constitution, has no directory power over the public treasury. The constitution has wisely deposited that with the Treasurer, an officer elected by the joint vote of the Senate and House of Representatives. Still, under the injunction to see the laws faithfully executed, I could not be indifferent to the subject, and on more than one occasion, previous to the meeting of the Legislature, I suggested to that functionary the propriety of removing the public funds from that institution. This suggestion was made from long entertained apprehensions existing in my mind, that the public moneys were not safe, and when required might not be forthcoming to meet the exigencies of the Commonwealth. Having ascertained that upwards of half a million of dollars were deposited in that Bank on the first of January, applicable to the payment of the interest, and that it could not be applied to any other object, I requested that officer about the fifth of Janu-

ary to commence the payment of the interest then, as by anticipating the time, the public would be practically assured of our entire ability as well as willingness to pay our debts, and that the payment in advance would not only have a happy influence in tranquilizing the public mind on that subject, but avoid the risk of permitting the money to remain longer in the bank. He did proceed to the city of Philadelphia, in pursuance of the suggestion, but returned satisfied, as he believed, from the representations of the officers of the bank, that all was safe, and that the payment at that time would occasion some inconvenience to the transfer clerk.

With an anxious desire for the accomplishment of this object, I repaired to Philadelphia on the 26th of January, after full consultation with the State Treasurer, and was there unremittingly engaged in the object of my mission until the 2d instant, and received continued assurances from several of the directors, up to Friday evening, the 28th of the Bank's ability to pay over on the 1st of February. On Saturday, the 29th, however, in consequence of some of the other Banks refusing to receive the notes of the Bank of Pennsylvania, a run was made on that institution, which was met until the usual closing hour of the day. But, being satisfied that this run would be continued on Monday, and convinced that the funds of the Commonwealth had been paid to meet other demands upon the Bank, I addressed a leter to the President and Directors early on the morning of that day, notifying them that the Attorney General had been instructed to obtain an injunction from the Supreme Court, under their equity powers, to restrain the Bank from paying out, transferring, assigning, or otherwise disposing of the funds and assets, to the prejudice of the Commonwealth, until the final action of the Court could be had, or other satisfactory arrangement made.

In consequence of this notification, the Bank was not opened at nine o'clock—and shortly after ten o'clock the injunction was accordingly obtained and served by the Sheriff, enjoining the officers from disposing of the funds, according to the command of the writ.

Late on the evening of the 1st February, a successful arrangement was made, by which I have reason to believe the payment of the interest due has now been commenced, and will be completed as soon as the funds can be arranged for the purpose. This arrangement consists in the application of the available funds of the Bank of Pennsylvania, to wit:

Foreign Bills of Exchange, of the value of	$116,000
Specie, ...	234,000
Bills receivable, and soon available, ...	150,000

And the proceeds of a requisition made upon the other Banks, which will be sufficient to pay the balance of the interest due, the whole of which will be assuredly met in the course of a fortnight or three weeks. The State Treasurer, by himself and assistants, will make the payments of interest at the Bank, or at the Treasury.

It is well known from my repeated communications on the subject to the Legislature, that I have long entertained the most serious apprehensions of the security of the State's investment in the Bank of Pennsylvania; and to provide against the probability of its delinquency, I took the precaution upon the 25th day of November last, under the authority of the resolution authorizing a loan, passed 5th of May, 1841, to call upon the Banks, which, by the terms of their charters, were bound to loan a sum not exceeding five per cent. of their capital to the Commonwealth, to hold themselves in readiness to advance the balance, which might legally be required of them on the first of February instant.

The amount deposited to the credit of the Commonwealth, in the Bank of Pennsylvania and its branches, was about $850,000. The amount of available funds received from that institution, as stated, is $500,000. The balance is in progress of being secured by the transfer of notes and securities to a considerably larger amount than that sum, falling due at short dates. They may not all be reduced to cash in less than nine months, or a year from this time. Any surplus received from this source will be, of course, returned to the Bank. But I have no doubt the State is secured from any ultimate loss of her deposites. Her greatest suffering has been from the injury to her credit in postponing, even for a day, the payment of the interest due her creditors.

I cannot here omit the expression of my deep regret, that after the people have been taxed to meet the demands of the Commonwealth; after they have cheerfully assented to the imposition of this indispensable burthen; after, in the most gratifying manner, sustaining the constituted authorities in adopting measures generally esteemed ungracious, however necessary, their hard earnings and patriotic contributions should have been misapplied by the institution to which had been confided the trust of its due application to the purposes intended. This occurrence can not but be deeply deplored.

I respectfully suggest to the Legislature the propriety of immediately enacting a law for the more safe and secure disposition of the public moneys than that now designated by law, and that some discretion should be left with the State Treasurer in relation to the deposite and safe keeping thereof, which he might exercise, in conjunction with any other department of the Government which the Legislature might name, especially during the time that body shall not be in session, and generally to provide against any similar emergency, should it unfortunately occur.

The necessity of disconnecting the administration of the Government from banking institutions has been again and again urged upon the Legislature. They have thought it fit to differ with me in opinion upon the subject, but every day's experience has confirmed the correctness of my views, and I must be excused for again pressing it upon your attention. The history of the world cannot afford any satisfactory evidence of any advantage from, or furnish a sound reason for a connexion between the government and incorporated moneyed institutions.

The State Treasurer has on the present occasion acted with promptness, energy and discretion. The responsibility was a fearful one, and the occasion one in which that responsibility had to be assumed for the benefit of the Commonwealth. Whatever differences of opinion may be entertained on the subject, I have no doubt that the arrangement made was the best that, under the circumstances, could have been effected, and met my approbation and concurrence. My participation in it has been of an advisory character, and if in the ultimate adjustment of this vexatious matter, any of the arrangements, made in such an extraordinary emergency, and in the hurry of the moment, shall not meet the entire approbation of the Legislature in their cool deliberations upon them, I trust they will be viewed with a charitable eye, and that my exertions will be considered as an honest endeavor for the best protection of the public interest.

DAVID R. PORTER.

Executive Chamber, February 5, 1842.

To the Senate Nominating John Bredin to be President Judge of the Courts of Common Pleas of the Seventeenth Judicial District.

Executive Chamber,
February 9, 1842.

Gentlemen:

I HEREBY NOMINATE JOHN BREDIN, OF THE county of Butler, to be President Judge of the Courts of Common Pleas of the Seventeenth Judicial District, composed of the counties of Beaver, Butler and Mercer, from and after the 27th day of February instant.

DAVID R. PORTER.

To the Assembly Concerning a Loan for the Use of the Commonwealth.

Gentlemen:

I STATED TO YOU IN MY MESSAGE OF THE fifth instant, that I had taken the precaution on the 25th day of November last, under the authority of the resolution authorizing a loan, passed fifth of May, 1841, to call upon the banks, which by the terms of their charters, were bound to loan a sum not exceeding five per cent. of their capital to the Commonwealth, to hold themselves in readiness to advance the balance which might be legally required of them, on the first of February instant; a copy of which notice is herewith transmitted, [marked A]. This notice was sent to all the banks in the State, which were bound to loan to the State, in pursuance of said law. On the first instant, finding that in all probability the

Bank of Pennsylvania would be unable to meet the payment of the interest due at that period, I made a requisition upon a number of banks in the city and county of Philadelphia, in pursuance of said previous notice; and subsequently after my return to this place, on the 4th day of February instant, on all the other banks in the State, that were required by law to make said loan, copies of which requisitions [marked B], are herewith transmitted to you.

Among the banks upon which this requisition was made, was the Bank of Chambersburg. This bank has refused to loan the State the sum required by the terms and conditions of its charter. A copy of the letter of the President of the bank containing the refusal [marked C], is also herewith transmitted to you.

One of the grounds upon which the refusal is predicated, as appears by the letter, is, that the bank has loaned to the State, money to the amount of five per cent. of her capital, which has been repaid.

I am not aware that any such loans was ever made, in pursuance of the 8th section of the Act of 25th of March, 1824, entitled "An act to re-charter certain banks. One of the provisions of that section is, that "whenever the Legislature of the State may require it, each bank hereby chartered, shall loan to the Commonwealth, any sum not exceeding five per cent. on its capital stock actually paid in," &c. (This bank was included in said Act.) Nor am I aware, that the Legislature authorized a loan to be thus taken, which has been enforced against said bank.

Another position assumed by the bank, is, that under the resolution of the 3d April, 1840, it took twenty-four thousand dollars of State stock, and under the law of the 4th May last, it issued sixty thousand dollars of small notes.

It is probably sufficient to remark, that the stock taken under the resolution of the 3d April, 1840, was

the voluntary Act of the bank. It was a loan made to the State upon an offer, or proposition, presented by an Act of the Legislature, which that institution was at liberty to accept or refuse, as, in her opinion, would best subserve her interests. That loan was taken with a full knowledge of the law, and conscious that by the very terms under which every act was done, the legislature had the power of compelling the loan now demanded, on any occasion when it might deem expedient to assert the claim. One of the conditions of the charter; a part of the contract made with the Commonwealth; and fully assented to by the bank, was, that this loan should be made to the State, whenever the Legislature should require it.

In my opinion, there is no injustice in this requisition thus sanctioned by law, and being one of the terms on which this corporation received and continues to exercise its chartered rights; the important question submitted for your consideration is, whether the law shall be enforced.

In order to present the subject in a clear light before you, the State Treasurer, on the 9th instant, drew his draft upon the Bank for thirteen thousand two hundred dollars; which was presented at the counter of the Bank during business hours, payment of which was refused by its officers, and the same was regularly protested.—Copies of the draft and protest are ennexed, [marked D].

Under these circumstances, to resort to legal proceedings in a court of justice, the Commonwealth is met by the great dealy incident to judicial investigations, which is probably the implied legal course of proceedings contemplated by the Act of 1824. But when we reflect upon the flagrant outrage committed by this Bank—when we see it violating the faith pledged to the State on obtaining its charter—disregarding the promise made at the time to aid the Com-

monwealth in the hour of necessity, it appears to me worthy the grave consideration of the Legislature, whether, under the facts now disclosed, you will not declare the charter of this Bank forfeited, and devise the proper means for liquidating its affairs. It was under the Act of 1824, above referred to, that the charter was granted. By the 9th section of the Act is is provided: "if it shall appear that the charters and privileges by this act granted to any of the Banks herein mentioned are injurious to the citizens of this Commonwealth, the Legislature reserve full power to alter, revoke, and annul them, or any of them, at any time they may think proper." It is for you to determine whether this is not the proper time. If a Bank is unwilling to aid the Commonwealth in the hour of difficulty, or assist in sustaining the credit and honor of the State—if she refuses to comply with the conditions of her charter and boldly violates the law, is not such an institution "injurious to the citizens of this Commonwealth?"

I would therefore recommend that an act be passed declaring the charter of the Chambersburg Bank forfeited—for, when an institution has wilfully violated the law—utterly disregarded the conditions on which the chartered privileges now asserted were granted, in my opinion all claim to a further enjoyment of these great benefits is gone.

It would undoubtedly furnish a salutary example to all other banks who might be similarly inclined to violate the solemn obligations they are under to the public. I think the Legislature owe it to their own dignity to adopt the course above recommended. Every attempt thus to trifle with the majesty of the law should be met at the threshold.

DAVID R. PORTER.

Executive Chamber, February 12, 1842.

[DOCUMENTS OMITTED.]

To the Senate Nominating Edward King to be President Judge of the First Judicial District.

Executive Chamber,
Harrisburg, February 16, 1842.

Gentlemen:

I HEREBY NOMINATE EDWARD KING, ESQ., of the city of Philadelphia, to be President Judge of the Courts of Common Pleas of the First Judicial District, composed of the city and county of Philadelphia, from and after the twenty-seventh day of February instant.

DAVID R. PORTER.

To the Senate Nominating Associate Judges of the Courts of Common Pleas for Several Counties.

Executive Chamber,
February 17, 1842.

Gentlemen:

I HEREWITH NOMINATE THE FOLLOWING named persons as Associate Judges of the Courts of Common Pleas in and for the counties annexed to their names, respectively, all from and after the twenty-seventh day of February, instant, viz:

Stephen Barlow, John H. Work—for the county of Crawford.

William Siggens—for the county of Warren.

Benjamin Adams—for the county of Beaver.

Ziba Bennett—for the county of Luzerne.

Asa M'Clelland—for the county of Greene.

Timothy Ives, John L. Rooks—for the county of Potter.

John Stewart, Thomas C. Miller—for the county of Cumberland.

Peter Schell—for the county of Bedford.

George C. Welker—for the county of Northumberland.

John Shindel, Lyon Lemberger—for the county of Lebanon.

DAVID R. PORTER.

To the Senate Withdrawing from Nomination the Name of Lyon Lemberger as an Associate Judge of Lebanon County and Substituting the Name of Samuel Goshert.

Executive Chamber,
February 23, 1842,

Gentlemen:

BY THE ANNEXED COMMUNICATION TO ME under date of the 22d instant, it will be perceived that Lyon Lemberger, whom I nominated to you on the 17th instant, as one of the associate judges of Lebanon county, will not accept the station in the event of his confirmation by your body, and has requested the withdrawal of his name. I do therefore, hereby withdraw the nomination of Lyon Lemberger for the office aforesaid, and nominate Samuel Goshert as one of the associate judges of the Courts of Common Pleas of Lebanon county, from and after the 27th day of February instant.

DAVID R. PORTER.

DOCUMENT.

East Hanover, Lebanon County,
February 22, 1842.

His Excellency David R. Porter, Governor of Pennsylvania:

Sir—By the reported Senate proceedings of the 17th instant, I have observed that you have done me the high and unexpected honor to nominate me to that body as one of the associate judges of Lebanon county, to take effect from and after the 27th inst. You will bear me testimony, that this distinguished mark of your confidence has been conferred without the most remote solicitation upon my part, and without my knowledge that it was in contemplation. I regret, that the nature of my private duties is such, that in the event of my confirmation by the Senate, it would be utterly out of my power to accept the office. Whilst, therefore, I am deeply grateful to you for thus bestowing upon me a voluntary mark of respect, I must respectfully request of you the withdrawal of my name from the Senate and the substitution of another, who may have greater ambition to fill an office than I have, and more time to devote to the fulfilment of its duties.

Your acceptance of this declination will enhance the debt of gratitude already due to you, from

Your friend and fellow citizen,
LYON LEMBERGER.

To the Senate Nominating Associate Judges of the Courts of Common Pleas for the Several Counties Named.

Executive Chamber,
February 25, 1842.

Gentlemen:

I HEREBY NOMINATE THE FOLLOWING named persons to be Associate Judges of the Courts of Common Pleas of the counties affixed to their names respectively, from and after the 27th day of February instant:

John Junkin, James Black—Perry county.
Meek Kelly, James M'Kennan—Indiana county.
John Ryan—Tioga county.
James J. Kennedy—Franklin county.
John Beale, William M'Allister—Juniata county.

DAVID R. PORTER.

To the Senate Nominating Richard Vaux to be Recorder of the City of Philadelphia.

Executive Chamber,
March 4, 1842.

Gentlemen:

A COMMISSION HAVING BEEN GRANTED during the recess of the Senate to Richard Vaux, to be Recorder of the city of Philadelphia, in the room of Samuel Rush, resigned: I do now nominate him to your body for said office.

DAVID R. PORTER.

To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Gentlemen:

FROM THE EMBARRASSMENTS UNDER which the Bank of Pennsylvania has labored for some time past, it is in my opinion more than probable that this institution will be compelled to make a general assignment of its effects, and to liquidate its affairs. By the tenth section of the act of 13th March, 1830, extending the charter of said bank, it is required to perform all the duties of the commis-

sioner of loans, and the certificates of stock and transfers were by said section, to be made at the Bank of Pennsylvania.

Should the affairs of the Bank now be closed, or should it cease to perform its accustomed corporate duties, it is highly important that some suitable person should be appointed to take charge of the stock books, and the papers belonging to that department. I would, therefore, recommend that the State Treasurer be authorized to appoint a commissioner of loans, who shall be required to keep his office in the city of Philadelphia.

The great fluctuation in personal securities and changes of the ownership of stock, make the business of keeping the records of transfers of stock an important matter to the state, as well as to the owners. The sales and transfers are principally in the city of Philadelphia, which makes it the most desirable and convenient place for keeping the office.

Nor can I forbear again directing the attention of the Legislature to my former message upon the subject of separating the connexion between the Treasury department and this, or any other bank. This institution is now made the agent for paying the interest on the State loans, consequently a legal depository for the funds of the State, and it appears to me, that there should be early legislative action upon this subject.

The officers of this Bank are solicitous, that if they are compelled to make an assignment, the business of collecting and paying its debts, should be entrusted in some measure, to the direction of the officers elected by the stockholders.

The State owns a large amount of stock in this Bank, and prudence as well as justice to the people requires that such measures should be adopted as will save the stock, or as much thereof as possible. I would, there-

fore, recommend the passage of such a law in relation to the closing of its affairs, as will be calculated to afford the best security to the holders of its stock, and avoid losses if possible. Probably those who are familiar with the business of the bank,—those in whom the owners of the stock have confidence, as well as the creditors, might be the most safe and useful men to close its affairs.

DAVID R. PORTER.

Executive Chamber, March 10, 1842.

To the Assembly with Regard to Certain Claims of the Bank of Kentucky upon the Schuylkill Bank.

Gentlemen:

I HAVE THE HONOR OF TRANSMITTING TO you a letter from the Governor of the State of Kentucky, accompanied with a preamble and resolutions which have been adopted by the Legislature of that State, in relation to certain claims of the Bank of Kentucky upon the Schuylkill Bank of this State.

It appears by an examination of the proceedings of that body, the opinion is entertained that the present organization of our judiciary system does not afford the Bank of Kentucky that remedy, before our judicial tribunals, which is supposed will enable the courts to reach the justice and merits of the cause upon established principles of law and equity.

If such should be the case, that the corporation of a sister State has not recourse to a remedy which will enable a competent tribunal fully to consider the merits of the claim, I have no doubt but a respect for the character of the State will induce the Legislature to make such provision by law as will enable our judicial tribunals to do equal and exact justice to the

citizens of a sister state, when they seek redress before them, whether they appear in a corporate or individual capacity. A high reward for that amity and good feeling which ever ought to characterize and distinguish each of the States, and which Pennsylvania has always been proud to manifest, I presume will induce the Legislature to afford that prompt and full redress for any supposed grievance which justice demands.

I have also transmitted the printed copy of the report of the President and Directors of the Bank of Kentucky, referred to in the resolutions, to the House of Representatives.

DAVID R. PORTER.

Executive Chamber, March 11, 1842.

[DOCUMENTS OMITTED.]

Proclamation of the Election of Almon H. Read as a Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

DOCUMENTS RELATING TO THE PROCLAMATION.

Pennsylvania, ss:

In the Name and by the Authority of the Commonwealth of Pennsylvania, DAVID R. PORTER, Governor of the said Commonwealth, To Ira H. Stevens, Sheriff of the County of Bradford, Esq., Sends Greeting:

Whereas, a vacancy has happened in the representation of this State in the House of Representatives of the United States in consequence of the death of Dayis Dimock, Esquire, elected a member of the 27th Congress from the 17th Congressional district, composed of the counties of Susquehanna, Bradford, Tioga, Potter and McKean; Now, therefore, in pursuance of the provisions in such case made by the Constitution of the United States, and of the act of General Assembly passed the 2d of July, 1839, I,

A PROCLAMATION.

Whereas, by a return duly made by the Judges of a special election held in the seventeenth Congressional district of this Commonwealth, composed of the counties of Susquehanna, Bradford, Tioga, Potter and McKean, on Tuesday the first day of March instant, under the authority of an act of the General Assembly passed the 2d day of July, 1839, it appears that Almon A. Read, was duly elected to serve as a Representative of this State in the House of Representatives in the 27th Congress of the United States, to supply the vacancy occasioned by the death of Davis Dimock, Esquire.

And whereas, in and by the 42d section of the act before recited, it is made the duty of the Governor on the receipt of the returns of any special election by the Secretary of the Commonwealth, to declare by proclamation the name of the person elected:

Now therefore I have issued this proclamation, hereby publishing and declaring that the said Almon H. Read is duly elected and chosen in the district before mentioned, as a Representative of this State in the House of Representatives in the Congress of the

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David R. Porter, being vested with the Executive authority of the State of Pennsylvania, have issued this writ hereby commanding you the said Ira H. Stevens to hold an election in the said county of Bradford on Tuesday the first day of March next for choosing a Representative of this Commonwealth in the House of Representatives of the United States to fill the vacancy which has happened as aforesaid: and you are hereby required and enjoined to hold and conduct the said election and make a return thereof in the manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State, at Harrisburg, this 17th day of January, in the year of our Lord one thousand eight hundred and forty-two, and of the Commonwealth the sixty-sixth.

By the Governor:

FRS. R. SHUNK,

Secretary of the Commonwealth.

Similar writs to the above were issued and forwarded 18 January, 1842, to Curtis Parkhurst, Sheriff of Tioga County, Walter Fallet, Sheriff of Susquehanna County, Miles Thompson, Sheriff of Potter County, and Nelson Richmond, Sheriff of McKean County.

United States in the room of Davis Dimock, deceased, who had been elected a member of the twenty-seventh Congress.

Given under my Hand and the Great Seal of the State at Harrisburg, this eleventh day of March, in the year of our Lord one thousand eight hundred and forty-two, and of the Commonwealth the sixty-sixth.

By the Governor,

Frs. R. Shunk,

Secretary of the Commonwealth.

To the Senate Nominating Abraham S. Wilson to be President Judge of the Twentieth Judicial District.

Executive Chamber,
Harrisburg, March 23, 1842.

Gentlemen:

I HEREBY NOMINATE ABRAHAM S. WILSON to be President Judge of the Twentieth Judicial District, of Pennsylvania, composed of the counties of Huntingdon, Mifflin and Union, from and after the first day of May next.

DAVID R. PORTER.

To the Senate Nominating Jeremiah S. Black to be President Judge of the Sixteenth Judicial District.

Executive Chamber,
Harrisburg, March 24, 1842.

Gentlemen:

I NOMINATE JEREMIAH S. BLACK TO BE President Judge of the sixteenth judicial district, composed of the counties of Franklin, Bedford and Somerset.

DAVID R. PORTER.

To the Assembly with regard to a Pilotage Charge in its Action upon New Jersey Shipping.

Gentlemen:

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from the Governor of the State of New Jersey, enclosing the report of a committee of the Legislature of that State, in relation to the charge of pilotage under the Acts of Assembly of this State.

I have transmitted to the House of Representatives the report of that committee, from which it would appear that the charge of half pilotage operates severely upon a large portion of the coasting trade of New Jersey, whose boats navigate the river Delaware, and are engaged in this trade.

It also appears from said report, that many of the citizens of New Jersey have altered the manner of constructing their boats, which the law of the 29th March, 1803, was designed to regulate.

I therefore respectfully submit this subject to your consideration, not doubting that it will be fully investigated, and if it is found that any municipal regulation of this Commonwealth is operating unjustly, and to the injury of the people of another State, a desire to promote that harmony and good feeling among our sister states, which is essential to a well regulated general government, I presume, will induce the Legislature to make such alteration in our laws, as will promote equal justice.

DAVID R. PORTER.

Executive Chamber, March 25, 1842.

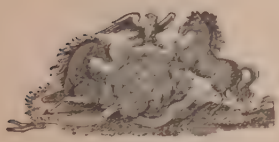
Proclamation of the Election of Thomas M. T. McKennan as a Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, by a return duly made by the judges of a special election held in the twenty first Congressional district of this Commonwealth, composed of the County of Washington, on Friday the twentieth day of of May instant, under the authority of an act of the General Assembly, passed the 2d day of July, A. D. 1839, it appears that Thomas M. T. McKennan was duly elected to serve as a Representative of this State in the House of Representatives of the United States, to supply the vacancy occasioned by the death of Joseph Lawrence, Esq.

DOCUMENTS RELATING TO THE PROCLAMATION.

Washington, April 20th, 1842.

His Excellency
David R. Porter,
Sir:

The undersigned citizens of Washington County without distinction of party, having learned that a vacancy has occurred in this Congressional district by the death of Hon. Joseph Lawrence, would respectfully request your Excellency to defer the period of filling the vacancy until the next general election.

We feel assured the postponement of said election owing to the embarrassed state of our County finances arising out of our County improvements and other causes, would meet with very general approbation, and should your Excellency deem it necessary, a decided expression of public sentiment Excellency deem it necessary, a decided expression of public sentiment to that effect could readily be obtained. Entertaining the opinion that

And Whereas, in and by the fifty-second section of the act before recited, it is made the duty of the Governor, on the receipt of the returns of any special election by the Secretary of the Commonwealth, to declare by proclamation the name of the person elected,

Now therefore, I have issued this proclamation hereby publishing and declaring that the said Thomas M.

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the Executive has the discretion, and is the proper judge of the convenient time, under the terms of the law, we respectfully request that no special election be held until the next general election.

W. Waugh,	James Ruple,	John S. Brady,
W. McKennan,	John Wilson,	Th. M. T. McKennan,
Emmor B. Marsh,	C. C. Kline,	John Grayson,
John Harter,	Geo. Morrison,	Sam. McFarland,
Wm. Hays,	Jas. Watson.	Wm. Hopkins,
Wm. Workman,	A. W. Acheson,	W. H. Ewing,
Sam. Cunningham,	James Brown,	James Grier,
E. J. Morgan,	V. N. Grayson,	Isaac Leet,
John N. Dagg,	Tho. Good,	George W. Brice,
Alex. Reed,	C. M. Reed,	Samuel Fleek,
Geo. Manty,	Joseph Hattam,	Martin Eby,
John Morrow,	Henry Taylor,	Jas. Reed,
James Langly,	Robert Milligan,	Alfred Galt,
David Blakely,	James Smith,	Saml. Hazlitt,
John Wilson,	Thomas McGiffen,	James Briggs,
	John Grayson, Junr.	

Pennsylvania, ss.

(Signed) D. R. Porter.

(SEAL.) In the Name and by the Authority of the Commonwealth of Pennsylvania, DAVID R. PORTER, Governor of the said Commonwealth,

To Sheshbazzer Bentley, Junr. Sheriff of the County of Washington, Esquire.

Sends Greeting:

Whereas a vacancy has happened in the representation of this State in the House of Representatives of the United States, in consequence of the death of Joseph Lawrence, elected a member of the twenty-seventh Congress from the twenty-first Congressional district, composed of the County of Washington.

Now therefore, in pursuance of the provision in such case made by the Constitution of the United States, and of the Act of the General Assembly passed the 2d July, 1839, I David R. Porter, being vested wtih Executive authority of the State of Pennsylvania, have issued this writ hereby commanding you the said Sheshbazzer Bentley, Junr. to hold an election in the said County of Washington, on Friday the twentieth day of May next ensuing the date hereof, for choosing a representative of this Commonwealth in the House of Representatives of the United States, to fill the vacancy which has happened as aforesaid: and you are hereby required and enjoined to hold and conduct the said election, and make a return thereof in the manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State, at Harrisburg, this twenty-third day of April in the year of our Lord one thousand eight hundred and forty two and of the Commonwealth the sixty-sixth.

By the Governor:

EDWARD W. HUTTER,
Deputy Secretary of the Commonwealth.

T. McKennan is duly elected and chosen in the district before mentioned, as a representative of this State in the House of Representatives in the twenty-seventh Congress of the United States, in the room of Joseph Lawrence, deceased, who had been elected a member thereof.

Given under my Hand and the Great Seal of the State at Harrisburg, this twenty seventh day of May, in the year of our Lord one thousand eight hundred and forty two, and of the Commonwealth the sixty-sixth.

By the Governor,

Frs. R. Shunk,

Secretary of the Commonwealth.

To the Senate Nominating James Campbell to be Associate Judge of the Court of Common Pleas for Philadelphia County.

Executive Chamber,
Harrisburg, March 29, 1842.

Gentlemen:

I HEREBY NOMINATE JAMES CAMPBELL TO be an Associate Judge of the Court of Common Pleas of Philadelphia county, in the room of Archibald Randall, resigned.

DAVID R. PORTER.

To the Senate Nominating Virgil Grenell to be Associate Judge of the Court of Common Pleas for Wayne County.

Executive Chamber,
April 4th, 1842.

Gentlemen:

I NOMINATE VIRGIL GRENELL, OF WAYNE county, to be an Associate Judge of the Court of Common Pleas of said county.

DAVID R. PORTER.

To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Gentlemen:

I HEREWITH TRANSMIT TO YOU A COMMUNIcation from the State Treasurer, this day made to me, in relation to his intercourse with the Bank of Pennsylvania, relative to the selection of assignees under the act of the Legislature, passed 29th March last, authorizing an assignment to be made by said bank. From the facts disclosed in the report of his proceedings, it appears that those who represent the stockholders are unwilling that the Commonwealth should take that part in the selection of assignees which, by that Act, was contemplated, and that although she owns three-fifths of the stock, yet her voice is to be silenced in giving the least direction relative to the final termination of its affairs. By the first section of said Act it is provided that the State shall have the same vote as though her stock was held by "individuals," as I understand it by different and distinct persons. Now, the stockholders object to her

having a higher vote than though the whole three-fifths of the stock was held by one person alone; a construction that could not have been contemplated by the Legislature, and certainly was never thought of by the Executive when he gave his assent to the law. It has been my desire on all occasions to secure the interests of the State in its extended connexion with this institution. It has recently failed, largely indebted to the Commonwealth, and a large sum of money has been invested by the State in the stock of that bank, and surely its affairs ought to be closed so as to occasion as but little loss as possible to the State. The facts are before you relative to its previous conduct, and the course pursued by the officers of the bank on this occasion, and the Legislature can well judge of the Act they have so recently passed. In my opinion, if the stock which the State owns in the bank is not to have a fair and equal representation—if the State Treasurer cannot be permitted to represent the interest of the people in winding up its affairs in pursuance of direct Legislative authority, I would recommend the immediate passage of a law repealing the Act of 29th March last, and all special legislation in the matter, and let that bank close its concerns under the general law of the State, which has recently been passed regulating the assignments of banks that have failed and which go into liquidation. In my opinion the course pursued by the State Treasurer was correct, and that he has conducted with great propriety the transactions with that bank on this as well as former occasions. I am aware that the members of the Legislature are desirous soon to return to their homes, yet this is a subject in which your constituents have so deep an interest, I trust it will receive your special attention even at this late hour before you finally adjourn.

DAVID R. PORTER.

Executive Chamber, April 4, 1842.

To the Assembly Concerning a Certain Alleged Conspiracy to Procure Corrupt Legislation During the Session of the Legislature of 1840.

Gentlemen:

I HAVE JUST LEARNED THAT CIRCUMstances exist in regard to the examination of George Handy, as a witness before the committee of investigation, which have induced me to adopt a step that ought to be communicated to the legislature.

I have good reason to believe that certain letters are in the hands of persons amenable to the process of the law, which will prove or tend to prove the fact of a conspiracy to procure corrupt legislation during the session of the legislature of 1840, against certain individuals therein named or addressed. These letters contain, as I am assured, unjust, unwarrantable and false references to the Executive, of a nature so gross and wicked as to call for an immediate and rigorous prosecution of all parties concerned, so that if the charges or insinuations be true, the Executive may be duly punished, or if false, that those who have made or insinuated them may be exposed to the judgment of the law, and to public condemnation.

The resolution which recently passed the Legislature on the 29th ult., entitled "A resolution directing a nolle prosequi to be entered in certain criminal prosecutions against George Handy," might be supposed to exempt him from punishment; but that resolution is subject to a condition which the said George Handy may or may not have fully complied with. If he has, he can plead and show it; if not, he is not entitled to protection. At all events, I have deemed it my duty to direct criminal proceedings to be instituted against him, and those implicated with him, and accordingly the Attorney General will pursue such course on the subject as will speedily bring the offenders, if any,

to justice. I take occasion to recommend that the original letters and all vouchers in the possession of any committee or of either Houses of the Legislature, be carefully preserved, as an essential part of the evidence in the trial.

I have acted promptly on this subject, because I think public justice—the purity of public morals—and every consideration of public duty requires of me this course of proceeding. I am resolved, so far as depends on me, that this most extraordinary matter be probed to the bottom, and that every man who has been guilty of violating the laws in this transaction, shall be dragged to the bar of public justice. The integrity of those who are in any wise concerned in the enactment of our laws, should not only be spotless, but above suspicion and reproach—and he must be a faithless or an unworthy servant of the people who shrinks from or baffles the most thorough and searching inquiry, I am ready and determined to meet this in the most rigid manner, and I have put it in a train of investigation that cannot fail to develop the whole truth.

DAVID R. PORTER.

Executive Chamber, April 4, 1842.

To the Senate Vetoing "An Act to Enable the Mayor, Aldermen and Citizens of Philadelphia to Regulate the Travel on the Railroad in Broad, High, Third and Dock Streets in the City of Philadelphia, and for Other Purposes."

Gentlemen:

I HEREWITH RETURN, WITHOUT MY APPROBATION, the bill entitled "An Act to enable the Mayor, Aldermen and citizens of Philadelphia, to regulate the travel on the railroad in Broad, High,

Third and Dock streets, in the city of Philadelphia, and for other purposes;" and will briefly state my objections. They are confined mainly to the sixth section, which is in the following words:

Sect. 6. That a certain lot of ground situate on the south side of Lombard between Tenth and Eleventh streets in the city of Philadelphia, containing in front east and west on said Lombard street from Tenth to Eleventh street, three hundred and ninety-six feet, and in depth north and south on said Tenth and Eleventh streets seventy-eighth feet, bounded northward by Lombard street aforesaid, eastward by Tenth street, southward by ground now or lately owned by Baron Hurst and company, and westward by Eleventh street, which was granted to the Mayor, Aldermen and citizens of Philadelphia, by patent from the Commonwealth of Pennsylvania, bearing date the thirteenth December, seventeen hundred and ninety, be and the same is hereby vested in the corporation of the Mayor, Aldermen and citizens of Philadelphia in fee simple, freed and discharged from the use mentioned in the said patent."

The use mentioned in said section, appears from inspection of the patent therein referred to, a copy of which accompanies this communication. The lot of ground in question, together with several others, was by the patent conveyed to the Mayor, Aldermen and citizens of Philadelphia, in trust for "public use as a burial ground for the interment of deceased strangers, and such other persons who may not be in communion with any religious society at the time of their decease."

This lot has been upwards of fifty years in possession of the grantees, without being devoted to the benevolent purpose for which it was designed, and it is now proposed by this bill to vest it absolutely in said grantees, freed and discharged of the trust for which it is held.

It is now of very considerable value, and not having been applied to the benefit of the object of the grant, it clearly and justly belongs to the Commonwealth. The city of Philadelphia has thus far enjoyed all the advantage of its use.

The multiplied and increasing population of Philadelphia, and the necessary augmentation of business, as well as the influx of strangers, all render the propriety and sound policy of reserving this property for the original use, clearly manifest. I think it would be equally injudicious and unjust to apply this property to other purposes.

I do not, by any means, wish to be understood as insisting that this particular lot of ground ought to be especially set apart for the purposes of a burial ground. Perhaps, considering the extension and improvement of the city of Philadelphia, it would be expedient to select for the purposes of the original grant, some other situation. In such case a remedy for the inconvenience can be readily found. Another lot could be procured at a much less price. This lot might be sold and the balance of the proceeds, which would doubtless be considerable, paid into the State Treasury, or applied to such other uses as may be deemed advisable. At all events I can see no good reason why this property should be transferred absolutely to the city of Philadelphia, without any equitable claim, or equivalent of any description. I have, therefore, felt it to be my imperative duty to arrest, as far as depends on the Executive, the passage of this bill.

DAVID R. PORTER.

Executive Chamber, Harrisburg, June 10, 1842.

To the Assembly Urging Legislation in Behalf of the Public Creditors.

Gentlemen:

I CANNOT RECONCILE IT TO MY SENSE OF duty to permit this occasion to pass without renewing, in the most earnest manner, the appeal already made to the Legislature in behalf of the public creditors, and especially of those who have labored on our improvements and furnished materials for their repair and construction. Prostrated as the public credit in a great degree is, and overwhelmed as the business, energies and enterprize of the community are, it is undoubtedly an unpropitious time to impose additional burthens on the people, and is an ungracious duty to recommend or to sanction it. But the alternative admits of no qualification. We must act in conformity to the dictates of stern and unwelcome duty on the one hand, or disregard and set them at naught on the other. We must seek and desire the commendation of the honest and honorable, or we must earn and bear their contempt and derision. If we falter in this dilemma, we cannot escape one or the other of these judgments in the eyes of the world. I do hope and trust you will make adequate provision for all the public creditors—either by increased taxation, or some other available means. The burthen may be onerous, but it can only be temporary. With the resources, vigor and enterprize of Pennsylvania, the present pecuniary embarrassment can only be of short duration. Let us then struggle manfully against it, in the hope of speedy relief.

The burthens borne in behalf of the State are light in comparison to those imposed for county, township, borough and other purposes. All the taxes paid by the people of Pennsylvania for all purposes amount per annum to the sum of four millions of dollars, as nearly as can be ascertained. Of this vast sum only

seven hundred thousand dollars is levied and paid for the use of the State. It is therefore manifest that whatever may be the gross amount of taxes paid by the community, but a small portion is applied to the uses of the State Treasury, and on this score there is but little just ground to complain. Three per cent. on the assessed value of the real and personal property in Pennsylvania, assessed as it necessarily is far below its value, amounts to upwards of forty-two millions of dollars; a sum sufficient to pay off our public debt and leave a surplus of five or six millions in the Treasury. And yet, such is the general apathy or aversion to enter into an examination of a subject of this kind, that there are some to be found who seem at times almost disposed to doubt the ability of Pennsylvania to pay her debts.

I can scarcely find language strong enough to convey to you in a suitable manner, my ideas of the importance of a faithful adherence on the part of the State, to its solemn engagements. I have dwelt on this subject in my communications to every Legislature that has assembled since the duties of the Executive have been entrusted to my care. Allow me, therefore, most respectfully to ask your attention to my annual message on this subject.

So far as respects what are usually denominated the "Domestic Creditors," I sought in my annual message at your assembling, to place their claims on the true grounds. I have yet to hear the first word against the justice of their demands, or the extreme hardship of their case. They are our own citizens, who on the faith of the public, have devoted their money, their means, the sweat of their brows, to the public service, and have thus far been denied recompense. Nay, some of them have expended the last dollar they

can command—have contracted large debts to enable them to prosecute their work—have just demands on the State amply sufficient to meet all their liabilities, and to supply them with the means of recommencing business for their support, and yet are compelled to see the whole of their property under execution, and be themselves dragged to the very door of the jail. Is not this crying injustice? Is it not a disgrace to the State that thus beggars its own citizens, and then suffers them to be sacrificed for debts contracted on behalf of the State itself? How can any honest man who has the power to correct such evils, stand by and witness this state of things, without the blush of shame on his face? For myself, I should feel ill at ease if I left untried a single expedient to afford relief.

I can add little to the details of my former recommendations, or to the means of discharging these debts. It is for the Legislature now to act upon them. I will however suggest, that the State possesses a fund which might be applied to the payment of these debts, if other resources fail; and although it may not be at present available, it may ultimately become so, at least to a considerable extent. I refer to the stock held by the Commonwealth in the Bank of Pennsylvania, the Philadelphia Bank, and the Farmers' and Mechanics' Bank.

For these stocks the State paid $2,108,700. What they may ultimately be worth, I know not. My opinion of this investment has been communicated to the Legislature time and again, and it would be useless to reiterate it now. But I must be allowed, before closing the subject, to express my opinion, formed on the most thorough conviction, that unless the interest of individuals be enlisted in this matter, the State will never realize a dollar from it. It seems to me, therefore, that it would be advisable to transfer these stocks

to trustees, or make some other disposition of them to supply the claims of the domestic creditors. If anything better can be done, it will afford me great pleasure to co-operate with you; but if not, the provision suggested might possibly save a remnant which might be applied to the debts long due to a class of just and meritorious creditors, who are most assuredly entitled at the hands of the Legislature, to the speediest relief which its wisdom can devise, and the means of the Commonwealth will possibly afford.

DAVID R. PORTER.

Executive Chamber, Harrisburg, June 10th, 1842.

To the Senate Concerning a Loan for the Use of Commonwealth.

Executive Chamber,
Harrisburg, June 13, 1842.

Gentlemen:

IN COMPLIANCE WITH YOUR RESOLUTION of the 9th instant, requesting me "to communicate to the Senate whether any additional subscriptions have been made since the sixth of January last by the Banks of this Commonwealth, to the stock authorized by the Act to provide revenue, &c., passed 4th May, 1841, and, if any such subscriptions have been made, to communicate the names of the Banks that have subscribed for the same, and the amounts of such respective subscriptions," I now inform you, that on the 10th day of March, 1842, the Middletown Bank filed with me a proposition to subscribe for an additional sum of ten thousand dollars under said act, which proposition was accepted by me—and on the 19th day of May, 1842, the Lewistown Bank filed

with me a proposition to subscribe the additional sum of twenty-five thousand dollars to the stock created by said Act, which I also accepted.

DAVID R. PORTER.

To the Senate Renominating Virgil Grenell to be Associate Judge of the Court of Common Pleas for Wayne County.

Executive Chamber,
Harrisburg, June 17th, 1842.

Gentlemen:

ON THE FOURTH DAY OF APRIL LAST, I COMmunicated to your body the nomination of Virgil Grenell to be an Associate Judge in and for the county of Wayne. The Senate having adjourned without acting on the nomination, I commissioned him under the Constitution to said office, on the 25th day of April last, the commission "to expire at the end of the (then) next session." I did so in view of an approaching session of Court in that county, and because such course was deemed indispensable to a due administration of justice. I, therefore, hereby again nominate to the Senate the said Virgil Grenell to be an Associate Judge in and for the said county of Wayne.

DAVID R. PORTER.

To the Senate Nominating John Carothers to be an Associate Judge of the Court of Common Pleas for Beaver County.

Executive Chamber,
Harrisburg, June 25, 1842.

Gentlemen:

I HEREBY NOMINATE JOHN CAROTHERS TO be an Associate Judge, in and for the county of Beaver.

DAVID R. PORTER.

To the Assembly Vetoing "An Act to Repeal the Act, Entitled 'An Act to Enable the Bank of Pennsylvania to Make an Assignment for the Payment of its Debts, and for Other Purposes.'"

Gentlemen:

I RETURN TO THE SENATE, IN WHICH IT ORIGinated, the bill entitled "An Act to repeal the act entitled 'An Act to enable the Bank of Pennsylvania to make an assignment for the payment of its debts, and for other purposes,' passed the twenty-ninth of March, one thousand eight hundred and forty-two," which has this day been presented to me. There are various objections to the proposed repeal of that law, but at present I have time only to give a few of the reasons for withholding my approval from the bill herewith returned.

On the 29th of March last, an act was passed, on the petition of the Bank of Pennsylvania, authorizing it to make an assignment, giving to the trustees extraordinary powers, and saving the said bank its chartered privileges. When the subject was before the legislature it was deemed important to the interests

of the Commonwealth to provide that the State Treasurer should represent her in the selection of said trustees, in order, if possible, to save something for the State out of the large amount of stock she holds in that institution, and I believe every effort was made by that officer to carry out the intention of the legislature as expressed in the law. But in this he was thwarted by those who have the control of the bank.

When the law was passed which this bill intended to repeal, it was provided that "before any assignment should be made under any of the provisions of the act, the bank should by an assignment deliver up and transfer to the State Treasurer such bonds, notes, bills receivable, or such other evidences of debt as he should approve, in a sum sufficient to pay the amount said bank was indebted to the Commonwealth for any money that had been deposited in the bank by the State Treasurer."

This institution was at that time perfectly willing to accept the law, and by making an assignment under it, the State was made a preferred creditor to the amount due from said bank for money which had been deposited to pay the interest due in February last, and which that bank, in violation of the most solemn and binding obligation, refused to pay at the time. And if the Bank of Pennsylvania is to make an assignment, why the State should be deprived of that security and preference given to her under the law now attempted to be repealed, it is difficult for me to imagine. Surely the Commonwealth is not so vast in her immediate resources that she can well afford to lose this claim. But this bill does not simply stop at repealing the law, but makes a further provision which requires the Commonwealth to take State stock, in payment of this large sum now immediately due, for money deposited in the bank for safe-keeping; and the effects of this repealing law would be further felt

as it releases the security which the Commonwealth now holds, by an injunction issued by the Supreme court in February last, to secure her claim for this deposite.

I cannot give my sanction to a law which will deprive the State of any security which she now holds for the payment of a debt which is so justly due, and which has been so wrongfully withheld by this corporation. I am really at a loss to know why the State should be compelled to receive in payment State stock which is not redeemable by the Commonwealth for many years, in satisfaction of a debt due at this time — a debt which those who owe it are bound by the most solemn obligations to pay without delay: and particularly at this time, when so many meritorious creditors are knocking at the door of an empty treasury. Would not other holders of state stock have just cause for complaint, if the fund appropriated by prior laws to pay their interest, be taken and applied to the redemption of stock which has many years to run? Would not such measure be calculated still further to depreciate our State stock, and seriously to injure the credit and honor of the Commonwealth. It is in my opinion wrong and manifestly unjust.

If the Bank of Pennsylvania desires to make an assignment she can do it under the laws now in force. I cannot therefore give the Executive approbation to a law which is fraught with so much injustice to our constituents and the creditors of the State generally. Instead of repealing that law, I cannot see any reason why there should not be a provision made that in the selection of trustees the State and the stockholders should be fully represented according to the number of shares held by each.

There may be well founded objections against such a representation on the part of the Commonwealth in the board of directors of the bank; but where by the

management of those who have up to this time had exclusive direction of its affairs, the funds of the institution have been squandered, and all claim to public confidence forfeited, can there be any thing wrong in asking that in the winding up of its affairs and distribution of its assets, every interest should be represented according to the stake held by each?

Three-fifths of its stock is held by the Commonwealth and the remaining two-fifths by individuals. I therefore recommend that provision be made by law for the selection of trustees in that manner, to wit: two by the stockholders and three by the State. That such a provision is imperiously demanded by the interests of the State, it seems to me no reasonable doubt can be entertained.

DAVID R. PORTER.

Executive Chamber, Harrisburg, July 23, 1842.

Proclamation of Reward for the Apprehension of Incendiaries who have Set Fire to Certain Reading Railway Bridges.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

DOCUMENTS RELATING TO THE PROCLAMATION.

Philada., Sept. 28, 1842.

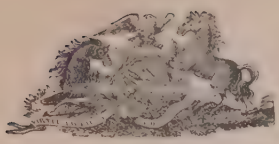
To his Excellency,
David R. Porter,
Resp'd Sir:

When you were in our City on your way to the Easton Encampments you promised you would issue a proclamation offering a reward to discover the Incendiaries who sett fire to the Reading Railroad Bridge.

We have not yet seen the proclamation. Last night they burned down another bridge belonging to the Reading Company.

Feeling great apprehension for the safety of our remaining bridges unless the Incendiaries are promptly brought to Justice, and satisfied that your

A PROCLAMATION.



Whereas, I have received authentic information that some malicious and evil-disposed person or persons have within the past month communicated fire to some of the bridges erected and owned by the Reading Railroad Company on their road in the counties of Philadelphia and Montgomery, two of which have been totally destroyed, and whereas I have been also apprised that efforts made by police officers and others to arrest the incendiary or incendiaries and bring them to punishment, have hitherto proved unavailing,

And whereas, the peace and good order of society, and the security of private and public property imperatively demand that no efforts should be spared to bring the perpetrators of these heinous offences to speedy and condign punishment, I have, therefore, thought proper to issue this my proclamation hereby offering a suitable and reasonable reward to any person or persons who shall discover and apprehend each or either of said incendiaries, and lodge each or either of them in the jail of any county of this Commonwealth,—to be paid on the conviction of the perpetrator or perpetrators of the offences above stated, and all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth are hereby required and enjoined to be attentive and vigilant in inquiring after and bringing to justice by their aid and Assistance, the perpetrator or perpetrators of the crimes aforesaid.

Given under my Hand and the Great Seal of the

Excellency's proclamation would do more than all our efforts, we beg the favor that you will now issue that which was promised by you when in Philadelphia.

Yours with Great Respt.,
Geo. W. Edwards.

State at Harrisburg this first day of October in the year of our Lord one thousand eight hundred and forty-two, and of the Commonwealth the sixty-seventh.

By the Governor,

A. V. Parsons,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of Pennsylvania in the Congress of the United States —1843.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, in and by an act of the General Assembly of the Commonwealth, passed the second day of July, A. D. 1839, entitled "An Act relating to the elections of this Commonwealth," it is made the duty of the Governor on the receipt of the returns of the election of members of the House of Representatives of the United States, by the Secretary of the Commonwealth, to declare by proclamation the names of the persons so returned as elected in the respective districts. And Whereas the returns of the General election held on Tuesday, the tenth day of October, instant, in and for the several districts for members to serve in the House of Representatives of the Con-

gress of the United States for the term of two years from and after the fourth day of March next, have been received in the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited Act, whereby it appears that in the First district composed of Southwark, Moyamensing and Passyunk, and Cedar Ward and New Market wards, of the city of Philadelphia Edward Joy Morris has been duly elected. In the Second district composed of the City of Philadelphia, except Cedar Ward and New Market Wards, Joseph R. Ingersoll has been duly elected. In the Third district composed of the Northern Liberties and Spring Garden, in the County of Philadelphia, John T. Smith has been duly elected. In the Fourth district composed of Kensington, North and South Penn, Roxborough, Germantown, Byberry, Unincorporated Northern Liberties, Oxford, Lower Dublin, Byberry and Moreland, Blockley, West Philadelphia and Kingsessing, in the County of Philadelphia, Charles J. Ingersoll has been duly elected. In the Fifth district composed of the counties of Delaware and Montgomery, Jacob S. Yost has been duly elected. In the Sixth district composed of the counties of Bucks and Lehigh, Michael H. Jenks has been duly elected. In the Seventh district composed of the county of Chester, Abraham R. McIlvain has been duly elected. In the Eighth district composed of the county of Lancaster, Jeremiah Brown has been duly elected. In the Ninth district composed of the county of Berks, John Ritter has been duly elected. In the Tenth district composed of the counties of Northampton, Carbon, Monroe, Pike and Wayne, Richard Brodhead, Jr., has been duly elected. In the Eleventh district composed of the counties of Luzerne, Columbia and Wyoming, Benjamin A. Bidlack, has been duly elected. In the Twelfth district composed of the counties of Bradford, Susquehanna and Tioga, Almon H. Read

has been duly elected. In the Thirteenth district composed of the counties of Lycoming, Northumberland, Union and Clinton, Henry Frick has been duly elected. In the Fourteenth district, composed of Dauphin, Lebanon and Schuylkill, Alexander Ramsey has been duly elected. In the Fifteenth district composed of the counties of Adams and York, Henry Nes has been duly elected. In the Sixteenth district composed of the counties of Cumberland, Perry and Franklin, James Black has been duly elected. In the Seventeenth district composed of the counties of Centre, Huntingdon, Juniata and Mifflin, James Irvin has been duly elected. In the Eighteenth district composed of the counties of Greene, Fayette and Somerset, Andrew Stewart has been duly elected. In the Nineteenth district composed of the counties of Westmoreland, Bedford and Cambria, Henry D. Foster has been duly elected. In the Twentieth district composed of the counties of Washington and Beaver, John Dickey has been duly elected. In the Twenty-first district composed of the county of Allegheny, William Wilkins has been duly elected. In the Twenty-second district composed of the counties of Venango, Mercer and Crawford, Samuel Hays has been duly elected. In the Twenty-third district composed of the counties of Erie, Warren, McKean, Clarion, Potter and Jefferson, Charles M. Reed has been duly elected. In the Twenty-fourth district composed of the counties of Butler, Armstrong, Indiana and Clearfield, Joseph Buffington has been duly elected.

Now therefore, I have issued this Proclamation hereby publishing and declaring that Edward Joy Morris, Joseph R. Ingersoll, John T. Smith, Charles J. Ingersoll, Jacob S. Yost, Michael H. Jenks, Abraham R. McIlvain, Jeremiah Brown, John Ritter, Richard Brodhead, Jr., Benjamin A. Bidlack, Almon H. Read, Henry Frick, Alexander Ramsey, Henry Nes, James

Black, James Irvin, Andrew Stewart, Henry D. Foster, John Dickey, William Wilkins, Samuel Hays, Charles M. Reed, and Joseph Buffington have been returned as duly elected in their several Congressional Districts before mentioned, as Representatives of the People of this State in the House of Representatives in the Congress of the United States, for the term of two years, commencing from and after the fourth day of March, A. D. 1843.

Given under my Hand and the Great Seal of the State at Harrisburg, this thirtieth day of October, in the year of our Lord one thousand eight hundred and forty-two, and of the Commonwealth the sixty-eighth.

By the Governor,

Chas. McClure,

Secretary of the Commonwealth.

Annual Message to the Assembly.—1843.

Fellow-Citizens:

HAVING, IN MY FORMER MESSAGES, ENtered very fully into the financial condition and other general interests of the State, I deem it unnecessary to repeat the views then submitted to the Legislature, but simply to refer to them, and say, that they remain in all respects substantially the same as heretofore expressed. I shall proceed at once to call your attention to those matters of public policy, which seem to require, in the greatest degree, the attention of the Legislature. In common with every State of the Union, and with all parts of the commercial world, the citizens of Pennsylvania are now undergoing the severe ordeal of pecuniary embarrassment. Business of all kinds is crippled and paralyzed; private and public enterprize has been arrested; the

timid alarmed, and even the boldest staggered at impending evils. But it is some consolation for us to reflect, that these difficulties are the bitter fruits, so far as Pennsylvania is concerned, of the rash and impolitic legislation of a single year, and that none of the responsibility rests upon us.

For upwards of ten years Pennsylvania had been gradually improving her condition, and enjoying all the advantages that can arise from a substantial currency, and the entire confidence of all parts of the world. At an unfortunate period, the banking capital, which had been during this flourishing season, about twenty millions of dollars, was increased to near sixty; and, as one of the most fatal consequences, many unwise and impolitic public improvements undertaken—corporations created for purposes far beyond their means to accomplish—individuals contracted responsibilities and entered into speculations, which they were totally unable to bring to a successful close; and finally, to render the catastrophe more destructive, the explosion of this enormous bank bubble has crushed all these enterprizes, public and private, and left in every quarter of the State some monument of blasted hope and public folly. It will require a little time to recover from the panic, and to estimate, with precision, the extent of the mischief. It will probably be found far less than has been generally supposed. The vigor and industry of the community, sustained as they are by our immense natural resources, will soon overcome this temporary repulse, and go on as if it had never happened. Some will be unfortunately ruined, but the great mass of the community will in the end be little affected. That portion of the community engaged in agricultural pursuits is comparatively free from debt and embarrassment, and possessed of all the benefits that arise from favorable seasons and plentiful harvests.

I can myself see no just ground for that despondency which seems to pervade, so generally, the minds of the people. The injury to our credit abroad, although productive of much temporary inconvenience, will ultimately be serviceable to the community. It will teach us to rely on ourselves, to turn our attention to the development of our own resources, and to obtain that by our own labor, which we have hitherto bought upon trust. Whatever may be the fears of that portion of our community, who are always predicting ruin, and bemoaning the effects of causes which they do not understand, time will soon prove that the resources of Pennsylvania, her ability to meet all her engagements, and the respect of her citizens for the plighted faith of the State, have not been in the slightest degree shaken, by any of the misfortunes under which we are now suffering. In nearly all instances, these fears will be found to have had their origin in the croakings of unprincipled demagogues, who are willing to undervalue her means, and the integrity of her citizens, if they can thereby promote their own selfish ends. If there be any of our citizens who honestly believe that Pennsylvania will prove unable to perform all her engagements, they will be found neither very deep reasoners, nor very accurately acquainted with the abundance and nature of her resources. If there be any of her citizens who think that she will prove faithless and unwilling to discharge her obligations, we may safely say they know little of her true character, and meet with no encouragement or favor, from any considerable portion of the community. To do what she agrees to do, and to pay what she promises to pay, are two of her distinguishing characteristics; and he who would seek to induce her to forfeit either of them, will find that he gains neither the confidence nor respect of her citizens, by the attempt. She may be temporarily obliged to postpone the discharge of her engagements, until

a more convenient season; but to deny the obligation itself, or to refuse to comply with it, would be a reproach upon her integrity, which no public man dare advise or sanction.

However great her public debt may seem to be, a tax of a few cents per ton upon her coal and iron, which are scattered in every hill and valley throughout her borders, will, at some future day, not only pay the interest on her public debt, but the principal also, probably within the lifetime of many of those who are now upon the stage of public action. This tax would be paid in a great measure by the consumers of these products in other states, and would scarcely be felt by her own citizens. Cut off as this country now is, and must continue to be, from the European supply of coal and iron, on which it has hitherto chiefly depended, the day is not far distant when Pennsylvania will supply more than three-fourths of the other states of this Union with coal, and a majority of them with iron. This is a position from which no legislation and no human power can remove her. Her geographical position, and the favorable relative locations of her coal and iron deposits, put Pennsylvania beyond the reach of all rivalry from any quarter. She seems to have been destined, by nature, to be the great workshop of the American Union; and, if the citizens and her Legislature are true to themselves, and will avoid catering to the views and interests of other sections, regardless of her own, her public debt will hereafter occasion but little inconvenience; and they will have no cause to regret the construction of her public improvements, which have contributed to the development of these advantages. This is not the language of sanguine hope, or blind confidence, but of clear-sighted, practical experience, of the truth of which every unprejudiced man must be convinced, who will carefully investigate the facts relating to her condition.

At the close of the last war, the pecuniary embarrassment and distress pervading our country, were far greater than they are now. We had just emerged from a protracted, expensive, and harrassing war. The national debt was nearly one hundred and thirty millions of dollars; business of all kinds was broken up; confidence was entirely destroyed; all classes of the community were in debt; our banks broken and worthless; public feeling weakened and shaken to a degree infinitely beyond what is now known; and, worse than all this, rankling political animosities against the then administration of the General Government had created, or raised up, a powerful, unscrupulous, and violent party, under the plausible name of the "Peace Party," which threw in the way of the administration every possible obstacle, in the triumphant prosecution of that war, or the correction of the evils which it inevitably entailed upon the country. But, notwithstanding all these formidable discouragements, the good sense, the enterprise, and the patriotism of the people, seconded those then entrusted with the administration of the government, who performed their duty with Roman firmness and integrity. Taxes were recommended, levied and paid, to sustain the credit and honor of the government—confidence was restored, business resumed its accustomed channels, and one of the most flourishing seasons in the history of our country succeeded. That enormous debt was, in the process of time, entirely extinguished. Those who recommended the necessary measures to the attainment of this great end have been rewarded with respect and gratitude. The same honest and fearless discharge of duty, will be attended with the same results now. Our history has never yet recorded a single instance, in which a public man, who stood by the honor of his country in critical emergencies, was not fully sustained in his efforts by his fellow citizens. He may be traduced and villified, but a manly and

faithful discharge of duty outlives the efforts of his traducers. The proudest monument that a public man can desire to leave his children, is one inscribed—he knew his duty—he dared perform it—he never flinched from his post.

The whole amount of the present funded debt of the State, exclusive of the deposite of the surplus revenue, is $37,937,788.24. This debt is reimbursable as follows:

Balance of loan per Act of 14th April, 1838, ...	$15,000 00	
In the year 1841,.....	56,022 60	
1844,.....	62,500 00	
1846,.....	4,194,242 08	
1847,.....	72,335 06	
1850,.....	1,000,000 00	
1853,.....	2,000,000 00	
1854,.....	3,000,000 00	
1856,.....	2,783,161 88	
1858,.....	7,070,661 44	
1859,.....	1,250,000 00	
1860,.....	2,648,680 00	
1861,.....	120,000 00	
1862,.....	2,265,400 00	
1863,.....	200,000 00	
1864,.....	2,515,000 00	
1865,.....	2,756,610 00	
1868,.....	2,524,000 00	
1870,.....	1,957,362 15	
At the expiration of certain Bank charters, ..	575,737 50	
Interest due 1st August last, for which certificates have been issued redeemable in Aug., 1843, ...	871,075 53	
		$37,937,788 24

This debt has been contracted for the following purposes viz:

For Canals and railways,	$30,533,629 15	
To pay interest on public debt,	4,410,135 03	
For the use of the Treasury,	1,571,689 00	
Turnpikes, State Roads, &c.,	930,000 00	
Union Canal,	200,000 00	
Eastern Penitentiary,	120,000 00	
Franklin Railroad,	100,000 00	
Pennsylvania and Ohio Canal,	50,000 00	
Insane Asylum,	22,335 06	
		$37,937,788 24

The value of our Public Improvements, estimated at cost, is	$30,233,620 15
The State owns Bank Stock, which cost, at par,	2,108,700 00
The State owns Turnpike and Bridge stock,	2,836,262 45
The State owns Canal and Navigation stock,	842,778 66
The State owns Railroad Stock,	365,276 90
Money due on unpatented Lands, estimated at,	1,000,000 00
	$37,686,647 16

The foregoing does not include the amount due to Domestic Creditors, entered on the books of the Auditor General, per resolution of 7th April, 1842.

These internal improvements, for the construction of which the principal amount of the State debt has been incurred, consist of 793¼ miles of canals and rail-

ways completed, and 140¾ miles of canal in progress of construction and nearly completed.

The finished works are the following:

	Miles.
The Delaware Canal, from Easton to tide at Bristol,	59¾
The main line of Canal and Railway from Philadelphia to Pittsburg,	395¼
Canal from Beaver, on the Ohio river, to the mouth of the French Creek Feeder, in the direction of Erie,	97¾
Canal from Franklin, on the Allegheny river, to Conneaut Lake,	49¼
Canal, Susquehanna and North Branch, from Duncan's Island to Lackawanna,	111¼
Canal, West Branch, from Northumberland to Farrandsville,	73
Several side-cuts and navigable feeders,	7
Total Canals and Railways completed,	793¼

Canals in progress, and nearly completed:

	Miles.
North Branch extension, from Lackawanna to New York line,	90
Erie extension, from the mouth of the French Creek Feeder to Erie harbor,	38½
Wiconisco Canal, from Duncan's Island to Wiconisco Creek,	12¼
Total Canals in progress,	140¾

The state has always met the payment of the interest upon the public debt with punctuality, until the semi-annual payment due on the 1st of August last, when, for want of adequate provision for that purpose, certificates of the amount due to each holder of the stock were issued, bearing an interest of six per cent.,

payable in one year, agreeably to the Act passed the 27th day of July last. It now becomes the imperative duty of the Legislature to make provision, as well for its payment as for the payment of the interest falling due on the 1st of February and August next.

Until some mode of raising the amount necessary for the payment of this interest, less burthensome to the people, is devised, the taxes imposed by existing laws seem to be indispensable. It may be worthy the consideration of the Legislature, however, whether the present defective system of making assessments, and reaching the objects of taxation, does not require revision. It is believed, if such revision be judiciously made, that no increase of the taxes now authorized would be necessary to produce an adequate amount from that source, to cover the pressing demands made upon the Treasury.

You will observe, by a report accompanying this message, that, in pursuance of the Act of Assembly, passed for that purpose on the 27th day of July last, proposals were invited for the sale of the public improvements of the Commonwealth. No bid for the same, that can possibly be accepted, was received. This measure was suggested in my last annual message, believing that, in our embarrassed condition, it was an experiment, which might be productive of relief, worth trying. It has been tried, and has utterly failed. The truth is, the amount of money necessary for the purchase of any considerable portion of our improvements, is far greater than any citizens of our country are able to raise for that purpose. Were they to be sold at all, they would necessarily, either directly or indirectly, fall into the hands of foreign capitalists. The people must, in a great measure, lose the control over their management, and they would, necessarily, become private monopolies. This would seem to be a measure as dangerous to the public interest, as it would be humiliating to the public pride.

The revenues upon our public works have not diminished in any proportion to the extent of the embarrassments which have been thrown in the way of trade. It will be seen, by referring to the Report of the Canal Commissioners, which will shortly be laid before you, that, notwithstanding the scarcity and depreciation of money, the impaired condition of credit, and the enormous rates of exchanges, the receipts from tolls for the fiscal year, ending the 30th November, 1842, amount to $920,499 40

The expenditures for all purposes, for the nine months commencing on the 1st March, and ending 30th November, 1842, amount to 390,046 70

Leaving an excess of receipts for the year, over the expenses of nine months of $530,452 72

Notwithstanding the decrease of tolls has been 159,396 61

The receipts and expenditures on the main lines have been as follows:

	Tolls received in 1842.	All expenses and liabilities for 9 months.
Columbia Railroad, ...	$357,461 50	$132,499 45
Eastern and Juniata Divisions, ...	195,780 16	45,072 12
Allegheny Portage Railroad, ...	124,258 40	96,528 63
Western Division, ...	85,449 42	26,080 00
	$762,949 48	$300,180 20

Leaving an excess of tolls over expenditures of $462,769.28, on the above, usually denominated the Main Line, from Philadelphia to Pittsburg.

On the Delaware Division and other branches of the canals, the excess of tolls over expenditures, during the same period, has been $67,683.44. It is worthy too, of remark, that the expenses for repairs alone for the nine months has been only $164,526.30.

This exhibit cannot fail to inspire us with increased confidence in the ultimate value and usefulness of our public works, strengthened as it is by the fact, that there has been a falling off in the canal tolls of New York, for the fiscal year ending 30th November, of $284,391.89.

It is proper here also in explanation to state one fact worthy of consideration. At the commencement of my administration there was a debt due for ordinary repairs, previously done independent of debts

due on the Beaver division, of	$310,574
For the repairs of the Huntingdon county breach, ...	380,000
For repairs indispensable to opening and the successful prosecution of the navigation, &c., as per report of engineers especially detailed for that service, ...	1,676,992
Amounting to the sum of	$2,367,566

Which has been hanging, like an incubus, on the whole system, and has contributed much to embarrass its operations, and to paralyze the most laudable exertions of those entrusted with the conducting of them. In the progress of time, too, the greater portion of the perishable materials, in the construction of our public works, became so far decayed and dilapidated, as to require, in most instances a partial, and in many

instances an entire renewal, during the first three years of my administration. Large amounts were necessarily expended in making these repairs, so large indeed, that public confidence was very considerably shaken in the usefulness and value of the system itself. Those who did not reflect on the circumstance to which I have just adverted, supposed this extraordinary outlay for repairs must be annually repeated. But the work being done, the expenses for that purpose for a number of years to come will be greatly diminished.

While speaking upon this subject, I may call your attention to a considerable item of expenditure, which may be, with justice, hereafter wholly cut off. A very considerable sum is annually paid for repairing and rebuilding the various bridges for public and private convenience, across the canals and railways. This burden has been heretofore sustained by the State, but considering the great increase in value of the private property, through which the improvements pass, and that a considerable portion of the people of the Commonwealth derive no immediate benefit from the outlay for that purpose, it would seem to be just and proper, that the rebuilding and repairing of the private bridges should hereafter be done by the owners of the property, and the public ones by the townships or counties, in which they are situated.

Since my last annual message, in which I took occasion to refer to the combinations of private companies and individuals, to monopolize and reap nearly all the advantages from the transportation on our internal improvements, there has been a trial and conviction of several persons, on the clearest proof, of a most flagrant conspiracy to render this monopolizing combination still more triumphant over the laws. This conviction will have the salutary tendency to arrest hereafter any such illegal attempts. It is now to be

hoped, that by the removal of these obstacles in the way of fair individual competition, our public improvements will be open, as they were intended to be, to the free and equal enjoyment of all.

Several recommendations, or what were deemed essential reforms, in the management of our internal improvements, made either by the Executive or Canal Commissioners, have been hitherto baffled and defeated, by combinations of interest, which it is not easy to comprehend. I do not deem it necessary to specify particularly all these suggestions, but will refer you to my last annual message, and the last and present report of the Canal Commissioners, in which they are contained. I trust that whatever may have been the doubts heretofore on the subject, if any there was, the justice and propriety of making them are now beyond question. During the last year, as well as former years, the Canal Commissioners have been assiduously laboring to correct the most glaring of the errors and abuses which had crept into the management of our public improvements. They have done much, but much remains to be done, and unless seconded by the Legislature, there will much remain to be lamented, without the power to remove it.

Nothing has been done under the Acts of Assembly passed at the last session, for the incorporation of companies to complete the unfinished lines of our improvements. If any more effectual mode for the accomplishment of this object can be devised, it will afford me great pleasure to co-operate with you in carrying it into execution.

The resolution of the General Assembly of the 7th of April last, "relative to the payment of interest to domestic creditors," provides that such of the creditors of the Commonwealth as do not choose to receive certificates of stock, shall be entitled to a credit for the amount of their claim on the books of the

Auditor General, and shall receive interest at six per cent., on balances due for work done prior to the 4th of May, 1841, interest to be allowed from that date, and on balances due for work done since the 4th day of May, 1841, interest to be allowed from the passage of the Act. And the first section of the Act of the 27th July last, after making certain specific appropriations, directs whatever balance may be in the Treasury on the first days of August, November and February then next, after paying current demands on the Treasury, to be divided pro rata among the domestic creditors having claims for work done prior to the 4th May, 1841, or for repairs, &c., on finished lines of canal and railroad, previous to the first day of April, 1842. In pursuance of the foregoing Acts, claims amounting in the aggregate to $1,191,719.23 were entered on the books of the Auditor General at the close of the financial year, of which sum $797,461.78 was for work done prior, and $394,248.45 for work done subsequent to the 4th of May, 1841. On the first day of August the Treasury would not admit of a dividend—therefore the first and only instalment, twenty per cent. was paid on the first of November, together with all interest then due, which amounted, dividend and interest, to $209,589.43.

Notwithstanding the very satisfactory results which have grown out of the broad and liberal construction given by the Auditor General, to the resolution of the 7th April, there yet remains a very deserving class of creditors, who have received none of its benefits, nor was it at all practicable to bring them within its provisions. The poor laborers scattered along the improvements, who with their own hands do the work necessary to keep them in navigable condition, should be the objects of the first care of the government. In this instance they were entirely overlooked, the appropriation for repairs being inadequate. From the char-

acter of their claims—their comparatively trifling amount, and their number, it was found inexpedient to enter them on the books of the Auditor General. If they had been entered, it would in many cases have cost the whole sum due to procure the dividend from the Treasury—and, indeed, it would be a mockery for the government, instead of payment, to offer poor laborers a pro rata dividend on a claim of a few dollars. It is ardently hoped that this worthy and in most cases suffering class of domestic creditors, will receive the immediate attention of the Legislature.

It has happened in relation to the banking system of this Commonwealth, as has on many occasions heretofore been the case with the institutions founded on unsound principles, that with all its power, and with all its hold on public confidence and support, it has fallen by the weight of its own imperfections. If any legislative action can restore public confidence in the banks, or render them of more service to the community, it will become your duty to furnish it. The mode and detail of the aid to be rendered, I leave in the hands of the representatives of the people. But the public certainly expect, that you will not adjourn until you have made ample provision for withdrawing from circulation the notes issued by the banks in pursuance of the Act of the 4th May, 1841; and it will afford me great pleasure to co-operate with you in any measure that may be deemed most advisable for the accomplishment of this object. At the same time, I will take occasion to suggest one source, from which the means may be readily obtained to extinguish a large portion of these issues. I refer to the sale of the bank, bridge and other stocks, in which the State is interested. I think an amount might be realized, in this way, sufficient to answer this purpose, if provision be made by law that the proceeds of the sale be exclusively applied to that object.

The present condition of the Bank of Pennsylvania requires the most careful consideration of the Legislature. The State has a deep interest in the proper management of that institution, and equally so in winding it up, if that be deemed a politic measure. Several acts were passed during the last session in relation to it; but owing to some defect they did not answer the purpose designed. Some remedy should be at once provided. One suggestion I will make on the subject, and that is, that in no contingency should the control of the bank be placed exclusively in the hands of the private stockholders. Let the State and the stockholders be put on the same footing—each having, respectively, the share of control equal to the amount of stock held. No just complaint can then be made, and the interests of all parties will be properly guarded. This much, at least, the public has a right to expect.

The passage of a law providing for the election of members of Congress will be one of the subjects demanding your early attention. The apportionment of members of the two Houses of the General Assembly is also a matter in which the people are deeply interested, and which will, of course, claim your most careful consideration.—The basis of an apportionment bill on this subject, should be equality, fairness and justice to all sections of the State. In no other manner can the various interests be faithfully represented. The fundamental principles of a republican government, and our own Constitution, guarantee these rights to every county in the State. The apportionment bill passed on the 16th June, 1836, will not, I conceive, be regarded as a precedent, or an example, but as a beacon, to be shunned by every legislator who understands and is honestly desirous of carrying into execution the injunctions of the Constitution. No extraneous considerations can justify a departure from

it, and on all occasions when a departure has been attempted, it has recoiled with ten-fold force on the heads of those by whom it was made.

I have repeatedly called the attention of the Legislature to the subject of selecting jurors in the several counties in the State. I cannot forbear to urge it again upon you, and to add, that there is one grievance very much complained of in those counties, where it exists, under the law—that is, that where separate wheels are kept for the purpose of drawing jurors for different courts, there is much complaint as to the manner of selecting the names put in these different wheels. It has been suggested that if one wheel only was provided out of which all the panels of jurors for all the courts were drawn, this objection would be in a great measure obviated. I will merely further remark, that the system of drawing jurors would be very greatly perfected, if the selection and drawing of the same were to be done by the commissioners and sheriff in open court, under the supervision of one or more of the judges. Recent experience calls aloud for the protection of the jury box from even the possibility of suspicion.

My views have been so fully expressed in former messages, in favor of the support of a liberal and enlightened system of education by common schools, that I need scarcely repeat them. I will content myself by reiterating, that a sound education, based upon proper moral and religious training, is the best legacy a parent can bequeath to his child, and the best provision a patriot can make to secure the permanence and purity of our republican institutions. I refer you to the very full and elaborate report of the Superintendent, for the condition and details of our common schools, academies, female seminaries and colleges.

The report of the Adjutant General will be submitted to you. I shall be exceedingly happy to unite

with you, in any measures that would render the present militia system more efficient, and less burthensome to the community. Perhaps the encouragement of volunteers would be the best means that could be adopted for the advancement of those ends. Pennsylvania has just reason to be proud of her volunteers: in number, discipline and martial spirit, they can vie with those of any other State in the Union. Should any emergency ever arise to require it, she could, on the shortest notice, muster upwards of thirty-five thousand of these intrepid defenders of her soil.

The complexity and obscurity of many of the material provisions of the Act entitled "An Act to abolish imprisonment for debt, and to punish fraudulent debtors," have rendered its operation almost nugatory. It seems to have produced little benefit to the debtor, and much inconvenience to the creditor. Its provisions certainly require a thorough revision; and if any law of the kind be deemed necessary, it should be one, very different in many of its leading features from the present. The penal sections, contained in the same bill, however, well designed, were drawn with so little precision as to have led to the most intolerable abuses.

Frequent complaints have been made in Philadelphia on the subject of the power of Aldermen and Justices of the Peace in criminal cases. Some mode should be provided for defining and regulating their jurisdiction, on this important subject, so as to guard against extortion and oppression on the one hand, and laxity and impunity to crime, on the other.

The tendency of public opinion, for a number of years past, has gradually been to weaken and relax the execution of the criminal laws. This morbid feeling has even reached jurors, and other functionaries engaged in the administration of criminal justice, so that it is not an unusual spectacle to see courts and

juries convict and sentence on the clearest testimony a criminal on one day, and recommend his pardon to the Executive the next. These appeals, thus sustained, address themselves with great force to the magistrate entrusted with the power of pardoning offenders, and it is not to be disguised, that unless some check be put upon it, it will, in the end, lead to great injustice and abuse. These remarks are made, not so much with a view to invite immediate legislation on the subject, as to influence and temper the action of the Legislature on subjects connected with the criminal jurisprudence of the State.

It has been stated that certain loan companies, insurance companies and other similar corporations, which have sprung into existence within the last ten years, effected their organization, and obtained their charters, without conforming strictly to the requisitions of the law, or after having obtained their charters, perpetrated acts, whereby they would be forfeited; and have, through sundry devices, procured the passage of laws, designed, without having the object expressed, to screen them from the penalty which they had incurred, and to sanctify the illegality and corruption in which they originated. Such legislation as this is doubtless at war with the public interest and public safety; and I respectfully recommend to the Legislature to inquire into the subject, and if any such laws have been smuggled through, in which the real object was not manifest, to repeal the same at once, and to leave these corporations in precisely the same situation in which their own acts placed them, at the time they were perpetrated.

Additional chancery powers have been vested in some of the courts of this Commonwealth, without suitable provision having been made for the execution of these powers. The benefits to be derived from this modification of our jurisprudence will in a great

measure be lost, unless these defects are supplied. Among other provisions authority should be given for the appointment of masters in chancery and auditors, and their functions defined.

The Legislature having omitted to appoint an agent to receive from the general government the dividend of this State from the proceeds of the sales of the public lands, I appointed Job Mann, Esq., State Treasurer, by virtue of the authority given me by an act of Congress, who has received it, amounting to $60,313.27.

The explorations connected with the Geological survey having been brought to a successful termination, it is necessary that measure be now adopted by the Legislature for embodying and publishing the results without delay. As the State has expended a considerable sum in this examination of her mineral resources, as it is known that the final report and maps of the State Geologist will contain much valuable information of a nature to invite and direct the investments of capital necessary for the development of our unsurpassed mineral wealth; and as the expenses of arranging and publishing the details procured, will bear but a small proportion to that already incurred in collecting them, considerations of sound economy and the public good require, that the proper steps to be taken for affording our citizens the benefits of this survey as soon as practicable. By applying the balance of the appropriations for the incidental expenses of the survey, the Geologist has been enabled to make considerable progress towards completing the maps and drawings, and various other portions of the work; but much delay has arisen from the Legislature having omitted at its last session, to make provision for the furnishing and engraving of the maps, for the reception of the State Cabinet and for the printing of the final report, in conformity to the suggestions in

the last annual report of the Geologist, to which you are respectfully referred.

Oppressed, as the State is, by pecuniary embarrassments, at the present time, it behooves us to retrench all expenditures of the public money, and to guard the interest of our constituents with the same fidelity and care that we would exert in guarding our own. Among other important expenditures, those incident to the Legislature seem to have been, for the last twenty years, greatly on the increase.—While the expenses of other departments have been almost stationary, those of the Legislature have been considerably more than doubled.—No satisfactory reason can be shown for this, and it calls aloud for inquiry and redress. The public printing is one of the largest items in this expenditure, and has increased in a ratio that defies reasonable explanation. It demands a remedy. I can see none better than to provide for appointing a public printer to execute all the public printing at fixed and reasonable prices. The work can then be done with greater facility and economy. Sound policy strongly recommends this measure, and the example of other States fully sanctions it. I respectfully commend it to your attention.

This is the first occasion on which I have had the honor to address a majority of both Houses of the General Assembly, belonging to the same political relationship with myself; and I cannot forbear to express the gratification I feel at the prospect of a harmonious and confidential understanding between the several legislative departments of the government. I trust we shall recollect, that the great distinctive characteristics of the party to which we are attached, have ever been magnanimity and justice to our opponents. Let us not forget that minorities have rights as well as majorities; and that whatever may have been the examples set us by others, it is the part

of those who are genuine believers in the principles of democracy, "to do unto others as they would that others should do unto them."

You will allow me, in conclusion, to submit to you, in a spirit of perfect frankness and respect, the propriety of a prompt and energetic despatch of the public business, and an adjournment at the earliest day practicable. But few leading measures of public importance will come before you, and those are not of a nature to be essentially benefitted by a protracted delay. The people will certainly be willing to forego at the present session most, if not all of those private matters which usually occupy so large a share of the time and attention of the Legislature. We have had a surfeit of jumbled private legislation. Let those measures, in which the public at large really has an an interest, be adopted; and the work for which you have assembled is done. Let the rest be postponed until the condition of the Treasury justifies the continuance of the Legislature for private uses; the present is not that time.

To whatever department of the government we belong, we should remember, that our efforts to reform abuses, and to retrench expenses, will avail but little, if we do not practice ourselves the principles we lay down for the guidance of others. This is the only mode, in which we can prove our own sincerity, and satisfy the people that we are truly in earnest. Let us act upon this policy, and I trust the present session will furnish an example worthy the imitation of future Legislatures. It will afford me great pleasure to join with you in all efforts to render it deserving of that proud and honorable distinction. A firm and manly exertion, on our part, to do much, and to do it well in a short time, will both promote the public welfare, and secure the public approbation. No

stronger incentives to duty can possibly be afforded to honest and intelligent servants of the people.

DAVID R. PORTER.

Executive Chamber, Harrisburg, January 4, 1843.

To the Assembly Transmitting Certain Documents Concerning the Sale of Railroads and Canals Belonging to the Commonwealth.

Gentlemen:

BY THE SEVENTEENTH SECTION OF THE Act of Assembly, passed the 27th day of July, 1842, entitled, "An Act to provide for the ordinary expenses of the Government, payment of the interest upon the State debt, receiving of proposals for the sale of the Public Works, and for other purposes," the Governor is authorized and required to receive proposals for the sale of the Delaware Division of the Pennsylvania canal; and by the eighteenth section of said law to receive proposals for the sale of the North Branch from Northumberland to Lackawanna creek, and Erie Extension of the Pennsylvania canal; also the Columbia and Portage railroads, and the main line of the Pennsylvania canal, and all other branches of railroads and canals belonging to the Commonwealth, and lay before the next Legislature at as early a day as possible, such proposals, if any, for their concurrence or rejection.

In pursuance of the requisitions of said sections of the law, I caused a notice on the thirty-first day of August last, to be published in two daily newspapers in the city of Philadelphia, two daily papers in the city of Pittsburg, and two newspapers published in Harrisburg, that sealed proposals would be received at the State Department until the last day of November, eighteen hundred and forty-two, for the purchase of the several lines of canal and railroads in the State

on the terms prescribed in the said act. The proposals to be sealed up and directed to the Secretary of the Commonwealth, with an endorsement on the same, "proposals for the purchase of the public works." There were only two proposals received, copies of which, with the endorsements thereon, are herewith transmitted.

DAVID R. PORTER.

Executive Chamber, Harrisburg, January 4, 1843.

DOCUMENTS.

The undersigned, in accordance with the advertisement of the Secretary of the Commonwealth, propose to purchase the Philadelphia and Columbia Railroad, with all its fixtures, at the following price and conditions:

They will give the sum of ($3,000,000) three millions of dollars, possession to be given us on the first day of February, 1843, or as soon thereafter as the Legislature shall make the necessary law to transfer it.

We will pay one hundred thousand dollars ($100,000), of the principal yearly, until the whole amount is paid, and will also pay the interest at 5 per cent. per annum, on the whole sum due half yearly.

We will also give personal security for the interest, and each yearly instalment.

JOHN BINGHAM,
SIMON CAMERON,
JAMES BINGHAM,
WILLIAM CAMERON.

Philadelphia, Nov. 25th, 1842.

Endorsed—"Proposals for Public Works.
"To Hon. A. V. Parsons,
"Secretary Commonwealth, Harrisburg, Pa."

Middletown, October 31, 1842.

A. V. Parsons, Esq.:

We propose to give to the Commonwealth $10,000 for the Out-let Lock at Portsmouth.

Very respectfully,
GEO. M. LAUMAN,
DAN'L. KENDIG.

Endorsed—"A. V. Parsons, Esq., Harrisburg.
"Proposals for Public Works."

To the Assembly Vetoing "An Act Relative to Forfeited Recognizances, and Other Purposes," including the abolition of the office of Surveyor General.

Gentlemen:

I RETURN TO THE SENATE, IN WHICH IT originated, the Bill entitled "An Act relative to forfeited recognizances, and for other purposes," conformably to the 23d section of the 1st article of the Constitution, with my objections.

The Bill was presented to me on the 27th day of July last—the day after the Legislature had adjourned. The first and second sections of this bill, which relate to forfeited recognizances, will be found nearly word for word in the twenty-fifth and twenty-sixth sections of the Act entitled "An Act to provide for the education of the poor in the non-accepting school districts of this Commonwealth, and for other purposes," to be found on pages 454, 455 and 456, of the printed volume of the Acts of the last session, which I approved on the 30th July last.

The fourth section of this Bill, which relates to the commissioning of Coroners, will be found, almost substantially, in the eleventh section of this Act, entitled "An Act to authorize the construction of a toll bridge over the river Schuylkill, at or near Windsor Haven, in Berks county, and for other purposes," to be found on page 235 of the same volume, which I approved on the fifth day of April last. These sections are, therefore, wholly unnecessary, and were no doubt passed a second time by inadvertance, in the hurry attendant upon an adjournment.

The third section of this Bill proposes to abolish the office of Surveyor General from and after the 10th day of May next, and to transfer the duties of the office to the Secretary of the Land Office, &c.

It is here proposed to make a change in the organization of the Land Office, in a single and imperfect section, in which the mode of the change is not well

digested, and the consequences of it not sufficiently guarded against, or provided for. The proposed change, however, I deem injudicious and objectionable.

From the first organization of the Land Department of Pennsylvania, a regular system of guards and checks was adopted from the wisest dictates of prudence. The titles originated in the office of the Secretary of the Land Office, who, upon the proper application of the parties, made conformably to law, issued a warrant or order to the Surveyor General, to survey, or cause to be surveyed, the land for which such application had been made. In former times the Receiver General received the purchase money and kept the land accounts, and the duties of the Secretary of the Land Office were confined to a proper examination of the right of the party in the first place to the warrant, or order of survey, and in the second place to the patent, or final completion of the title. Upwards of thirty years since, the office of Receiver General was abolished, a part of his duties were transferred to the State Treasurer, and the residue to the Secretary of the Land Office. So that the latter officer is now charged with the duties of emanating, as well as completing the title, and keeping all the accounts for the sale, as well as the patenting of lands. The necessary vigilance in examining the titles of the parties and the performance of the other duties which the law at present imposes upon that officer, will be found fully to engross his time, if disposed personally to discharge the duties of the office, if no other objections existed to imposing upon him the additional duties of Surveyor General.

The duties of the office of Surveyor General consist in receiving and registering the warrants, or orders of survey, issued by the Secretary of the Land Office; the appointment and superintending the Deputy Surveyors of the several counties of the Commonwealth;

the direction of warrants, and orders of survey, to the several deputies; the examination and acceptance of their returns; the making of formal returns thereon to the Secretary, when application is made for patents. The two offices thus furnishing checks and guards upon each other, and furnishing the means of supplying any losses, or omissions, that might arise in the other from neglect, accident, or fraud by which titles to land might be put in jeopardy.

When the Land Office was opened under the Commonwealth, no form of warrant was prescribed, but the form used by the late Proprietaries was adopted and continued in use ever since. If the office of Surveyor General be abolished, an entire new form of warrant, and mode of issuing it, would be requisite, and ought to be prescribed by law.

The Secretary of the Commonwealth, the Secretary of the Land Office, and the Surveyor General, constitute the Board of Property, an important tribunal established to settle disputes relative to the regularity of incomplete titles, and to decide to whom the complete title shall issue in cases of controversy. The change proposed by this Bill would leave this tribunal composed of two members only, with no provision for cases in which there might be a difference of opinion between them.

In a number of laws relating to the Land Department, certain duties are required to be performed by the officers of the Land Office, jointly, not as the Board of Property. Could a single officer then perform those duties, so long as these laws are unrepealed?

The great and leading objections, however, to the object of the section are, that it is uncalled for and unnecessary. The salary of the officer is but fourteen hundred dollars a year. There would be no reduction in the number of clerks required; and as the records and papers pertaining to the office would have to

remain in separate parts of the building appropriated to the Land Department, an officer, de facto, although a subordinate one, would have to be retained to take charge of them, so that there would be little, if any thing, gained on the score of expense, whilst much trouble and confusion must ensue from the derangement of a system which is now harmonious, well understood, and believed to be necessary by those who have given the subject the most attention.

DAVID R. PORTER.

Executive Chamber, January 5, 1843.

To the Assembly Vetoing "An Act to Divide the State into Congressional Districts for the Election of Representatives in the Congress of the United States."

Gentlemen:

A SENSE OF DUTY CONSTRAINS ME TO RE-turn to the House of Representatives, in which it originated, the Bill passed at the last session, entitled "An Act to divide the State into Congressional districts for the election of Representatives in the Congress of the United States," accompanied by my objections.

It has been to me a source of frequent regret, that the Legislature so often procrastinates with the most important public bills, until the very eve of the final adjournment. They are then not unfrequently hurried through both branches with great precipitancy, and placed in the hands of the Executive at a period wholly inauspicious to calm and deliberate consideration. The history of this Bill has added another to the many illustrations we have experienced, that this feature in legislation is an evil of no ordinary magni-

tude. The Bill was presented to me by the appropriate committee on the 25th day of July last. On the very next day the Legislature adjourned sine die, and the members departed to their respective homes. It was scarcely within the range of probability, therefore, that I should, apart from my manifold other duties, find a single day, and that too at the very close of the session, sufficient to devote to the examination of a measure so fraught with public consequence. I was hence compelled to postpone my action upon the Bill, until more ample time and opportunity had been afforded me for bestowing upon it that careful scrutiny which I deemed commensurate with its importance.

Having embraced the earliest possible occasion, after the adjournment, to examine the Bill in detail, I soon discovered that I could never reconcile it to my convictions of duty, to lend it the Executive sanction. In order, therefore, that this determination might be promulgated in an authentic shape, in advance of the preliminary arrangements for the election, I authorized the Secretary of the Commonwealth to address circular letters to the Sheriffs of the respective counties, requiring them to omit in their annual proclamations any call upon the electors for the choice of members of Congress.—This duty that officer fulfilled on the third day of August last. I deemed this course indispensable, in order to relieve the respective political parties from taking useless action upon a Bill, under the assumption that it would become a law, when its fate was destined to be wholly different. No elections for members of Congress were accordingly held, if we except the illegal balloting which was improperly permitted in a few isolated townships, but which no one has seemed seriously to regard.

One of my principal objections to this Bill is the manifest numerical inequality of the districts it would create. The act of Congress fixes the ratio for each representative at 70,680. The Bill before me, however, leaves this basis wholly out of sight, and seems to treat it as if it never had been passed. Into the seventh district, for example, composed of the counties of Montgomery and Bucks, there is thrown a population of 95,348; whilst the eighteenth district, comprising the counties of Fayette and Greene, embraces a population of only 52,721. The vote of one elector in the latter district is, therefore, rendered nearly equivalent to the votes of two electors in the former. The fourth district, embracing a part of the county of Philadelphia, has a fraction under the ratio of 14,364; whilst the sixth district, composed of Berks and Lehigh, has a fraction over of 19,676. The same conspicuous inequality pervades the entire Bill, and the figures are within the reach of every one of you, to demonstrate it fully and clearly. An apportionment so extremely unequal in the numerical strength of the districts it creates, would deprive one section of the State of its just rights, and confer upon another privileges to which it can have no legitimate claim.—No portion of the good people of our State have ever, to my knowledge, craved such excessive legislative beneficence, and I am resolved, so far as the Executive authority is able to prevent it, that no other portion of our citizens shall be thus disfranchised. A literal observance of the ratio fixed by Congress, it is true, it would be vain to expect. But that an infinitely closer approximation to it than this bill presents, is a task as easy as it is desirable, I have not the smallest doubt, and have entire confidence in your capacity to effect.

The second section of the Act of Congress prescribing the ratio for the choice of its members, provides:

"That in every case, where a State is entitled to more than one representative, the number to which each State is entitled under this apportionment, shall be elected by districts composed of contiguous territory, equal in number to the number of representatives to which said State may be entitled; no one district electing more than one representative." I have from the beginning viewed this provision as an unwarrantable interference on the part of Congress with one of the most revered rights of the States, and as indicating a fearful tendency towards the ultimate centralization of all power in the hands of the Federal government. If Congress may legitimately exercise the power of ordaining the manner in which the States shall frame their districts, it will require but a short step to the assumption of the right to execute the duty for them. Upon this feature of the Bill there cannot, in my view, be any room for a conflict of opinion. The Constitution of the United States has expressly committed the right of prescribing "the times, places and manner," of holding elections for Senators and Representatives in Congress to the several State legislatures, and I am at a loss to conceive how any body of men with this provision staring them in the face, could so boldly transgress it. The propriety or impropriety of the single district system, it is not my intention to discuss. My hostility extends only to the assumed right of Congress to prescribe it, when its adoption or rejection is a matter belonging exclusively to the direction of the States. If you shall deem it expedient so to apportion our territory as to create only single districts, a due regard for the rights and honor of the State would indicate, that the Bill be coupled with an unequivocal disclaimer on your part, that the Federal government possesses the power so to command it. This is an important question, intimately identified with the doctrine of State sov-

ereignty, and the world should know that your action is the result of your own volition, and not of unauthorized coercion.

Without designing to impugn the motives of those who composed the last Legislature, I cannot free my mind from the conviction, that several of the districts contained in the present Bill have been framed with an especial view to the bestowment of undue advantages upon the party known to be vastly in the minority in the State. The peculiar construction of the eighth and ninth districts—detaching a few isolated townships from one county, and joining them to two other counties—goes far towards the justification of this belief. I may add, also, it is the opinion of many of our most experienced and sagacious politicians, that under this Bill the democratic party might poll a majority of thousands of the popular vote of the State, and yet not elect so large a number of Representatives in Congress as their opponents, the minority. My own reflections and estimates, predicated upon the safest possible data I have been able to command, and aided by the political experience of more than a quarter century, have irresistably led me to the same conclusion. If such are the practical results to be apprehended from this Bill, I would have proved myself deficient in common gratitude to those who have twice elevated me to the Executive chair, had I not resisted its infliction upon them. Whilst, as the Chief Magistrate of all the citizens of Pennsylvania, I covet no especial immunities for the party which has twice elected me, I cannot be less tenacious that it suffers no detriment from its enemies.—The rights of the minority, I admit, should be watched with jealous vigilance, and all encroachments upon them be vigorously resisted. But the will of the majority should be respected with equal fidelity, and, when legitimately ascertained, be rendered absolute and sovereign.

The duty of districting a State for the choice of representative rulers is among the most delicate and responsible trusts that can devolve upon the servants of a free people. A body of factious and unscrupulous partizans may, if so disposed, arrange the districts in such a manner as to effectually stifle the voice of the majority, and commit the reigns of government unconditionally into the hands of the minority. I regard the right of the majority to rule as a political axiom involving the very existence of our republican institutions. Once destroy the force of popular sovereignty, by a reversal of this hallowed and fundamental principle, and you sound the death knell of our unrivalled system of government. Tyranny itself can devise no more efficient mode for the enslavement of the people, than the contrivance of laws to cheat them out of their power at the ballot boxes. The public mind may then pant for a change of rulers, and the introduction of a different line of policy, but will pant in vain, being stripped of the power of carrying its will into practical fulfilment.

In our own Commonwealth especially, the majority has too long uttered loud and bitter complaint, that it has been deprived the means of rendering its will effective by unequal and fraudulent apportionments. There is too much reason to believe that these remonstrances have not been the mere offspring of excited imagination, but were founded in real and absolute grievance. Whilst we should most heartily abhor the exercise of a tyrannical dominion over the minority, we should also have sedulous watch that no law is passed by which these complaints of the majority are increased, or the causes that have produced them exaggerated. I assure the world, that no apportionment will ever receive my sanction, which, in any degree, is designed to steal power from the many, and confer it upon the few. All that the people of the

State require, is—a fair and equitable division—districts made as convenient in point of territory, and as equal in point of numbers, as practicable—carved out for the accomplishment of no sinister design—granting favors to none, but doing justice to all.

You, gentlemen, are fresh from the ranks of our common constituency. The elections which have constituted you for a season the depository of the public interests, were made to revolve in a great degree upon the measure now under consideration. My determination to withhold the Executive sanction from this Bill, officially announced more than two months prior to the election, necessarily rendered this question one of the principal elements of the last campaign. What the public verdict has been, you will be best able to decide. If adverse to this Bill, as I cannot but regard it, you will doubtless be fully able to frame another more in accordance with the public sentiment.

DAVID R. PORTER.

Executive Chamber, January 5th, 1843.

To the Assembly Vetoing a "Resolution Relative to Placing Trucks upon the Philadelphia and Columbia, and Allegheny Portage Railroads."

Gentlemen:

I RETURN TO THE HOUSE OF REPRESENTATIVES, in which it originated, the Resolution entitled "Resolution relative to placing trucks upon the Philadelphia and Columbia, and Allegheny Portage railroads," presented to me on the 18th July last, without the Executive approbation, for the following reasons: That the 2d section of the Act passed the 1st July, 1842, to which the Resolution is supplemen-

tary, contains an express proviso that the whole expense of procuring and placing said trucks upon said railroads, shall not exceed forty thousand dollars; and, indeed, the whole matter contained in the Resolution herewith returned, is fully embraced in the said Act, so as to render the provisions of this Resolution wholly unnecessary and superfluous.

DAVID R. PORTER.

Executive Chamber, January 5th, 1843.

To the Senate Nominating Associate Judges of the Courts of Common Pleas for the Several Counties Named.

Gentlemen:

DURING THE RECESS COMMISSIONS WERE granted by me to the following named persons for the offices of Associate Judges for the counties respectively annexed to their names, and I now nominate them to the same, viz:

Emanuel Shaeffer for the county of Lancaster, in the room of Samuel Dale, deceased.

Nathaniel White for the county of M'Kean, in the room of William P. Wilcox, resigned.

William S. Jayne and Perrin Ross for the county of Wyoming, pursuant to the 4th section of the Act erecting said county.

I also nominate Ellis Lewis to be President Judge of the Second Judicial District, composed of the county of Lancaster, in the room of Benjamin Champneys, resigned.

Jacob W. Smith to be an Associate Judge for the county of Union, in the room of John Baskins, resigned.

John H. Brodhead to be an Associate Judge for the

county of Pike, in the room of William Brodhead, resigned.

William Porter to be an Associate Judge for the county of Allegheny, in the room of Hugh Davis, resigned.

DAVID R. PORTER.

Executive Chamber, January 5th, 1843.

To the Senate Nominating Anson V. Parsons to be President Judge of the Court of General Session for the City and County of Philadelphia and Certain Other Persons to be Associate Judges of the Courts of Common Pleas for Several Counties.

Executive Chamber,
Harrisburg, January 9th, 1843.

Gentlemen:

I HEREBY NOMINATE ANSON V. PARSONS TO be President Judge of the court of General Sessions, for the city and county of Philadelphia, in the room of George W. Barton, resigned.

I also nominate the following named persons to be Associate Judges from and after the 27th day of February, 1843, for the counties respectively annexed to their names, viz:

John Findley for the county of Mercer, in the room of James R. Wick.

Benjamin Adams for the county of Beaver, in the room of John Nesbitt.

James Gwin for the county of Huntingdon, in the room of John Kerr.

Joseph Kyle for the county of Mifflin, in the room of James Criswell.

DAVID R. PORTER.

To the Senate Nominating Philip Noon to be an Associate Judge of the Court of Common Pleas for Cambria County.

Executive Chamber,
Harrisburg, January 10, 1843.

Gentlemen:

I NOMINATE PHILIP NOON TO BE AN ASSOciate Judge for the county of Cambria, from and after the 27th February, 1843, in the room of Richard Lewis.

DAVID R. PORTER.

To the Assembly Concerning Certain Financial Interests of the Commonwealth.

Gentlemen:

IN COMPLIANCE WITH THE PROVISIONS OF the 4th section of the Act of the 27th of July last, entitled "An Act to provide for the ordinary expenses of the Government, payment of the interest upon the State debt, receiving of proposals for the sale of the public works, and for other purposes," I caused to be advertised for public sale all of the bank, turnpike, bridge, canal, navigation, and railroad stock in any incorporated company, held and owned by the Commonwealth, amounting to $6,146,418.01, by public notice in newspapers published in Harrisburg, Philadelphia, and Pittsburg; also, in the counties through which the improvements pass, and in which the banks are located.

All the bank stock, and that which was owned in the Pennsylvania and Ohio Canal, and some others, were advertised to be sold at the Exchange in Philadelphia, on the 23d day of November last; and the residue at the State House in Harrisburg, on the 28th

of November; but no shares were sold, and the sales were adjourned to each of said places till the 1st and 6th days of March next.

By a proviso in said section—limiting the minimum prices it should sell for, which, at the rate of 5 per cent., would produce an interest equal to the dividend received by the State on the stock for the year 1841—the stock in some companies must be sold at prices much higher than the market price of that held by individuals; hence there were no bidders. Its effect upon the stock in some corporations was to fix the minimum price below what it was selling for in market, thereby depreciating the value of the stock.

By the 5th section of that act, the State Treasurer was authorized to receive therefor certificates of State stock in payment. On mature reflection, I did not believe the Legislature had fully considered the effect and operation of its provisions upon the financial affairs of the State. The bill was passed on the last night of the session in July, and not presented to the Executive for his approval till the day after the Legislature had adjourned.

When the Commonwealth is indebted for the redemption of the small notes to the amount of about two millions of dollars, and to the domestic creditors about one million more, and was unable to pay the semi-annual interest due last August, and cannot pay it on the 1st of February next, it is difficult to conceive how it can be considered a prudent disposition of the available means of the State, to apply them to the redemption of State stock, which is not due for twenty years. By that law, if one made a purchase to any amount, the purchaser could tender in payment certificates of stock issued by the State, redeemable at the most remote period of time of any that have been issued, and the State Treasurer was bound to receive it in payment.

Another part of the section authorized the receiving in payment certificates of indebtedness which had been issued by the Auditor General; hence the competition at the sale was very unequal. State stock, at that time, was selling in the market at from 42 to 45 cents to the dollar. A creditor of the State, who had got his certificate of indebtedness, had received it as a promise of immediate payment and at par value from the Commonwealth. Consequently, to enter the biddings on equal grounds with the man of money who could purchase State stock, he must place his certificates on a par value with the State stock. He could not purchase the stock in any company, unless he made a sacrifice on his evidence of indebtedness. I consider such provision impolitic, and believe that the stock all ought to be sold, and the proceeds applied to the immediate redemption of the "relief notes," and such debts as are immediately due by the State. The stock owned by the State, in many of these companies, is of but small value, and she will never realize any dividend from them. It may be worth something to individuals who own stock in those companies, and who would probably purchase them if a law was passed giving the purchaser the right of voting in those companies. If the Legislature should be of the opinion that those stocks ought to be sold without giving authority to the State Treasurer to receive State stock in payment, I would recommend that an Act be soon passed authorizing their disposal on those days to which the sales were adjourned in November last, for the purpose of saving to the Commonwealth a great expense in the advertising; as public notice was then given of the days to which the sales were adjourned. I can see no reason why the State should not sell her property to pay her debts, even at a sacrifice, in the same way that individuals are compelled to sell theirs. Our fellow-citizens are oppressed with

the depreciated value of the small notes; the State has the means of cancelling them by the sale of her property in stocks; and many holders of this paper would gladly pay it for stock in some incorporated company. By this means they are taken out of circulation. The banks which issued them will be absolved from their redemption, and compelled to resume specie payments so soon as that provision is made by the State for their immediate cancellation.

DAVID R. PORTER.

Executive Chamber, January 13th, 1843.

To the Senate Nominating Charles G. Donnell to be President Judge of the Eighth Judicial District.

Executive Chamber,
Harrisburg, January 14th, 1843.

Gentlemen:

I HEREBY NOMINATE CHARLES G. DONNELL to be President Judge of the 8th Judicial District of this Commonwealth, composed of the counties of Northumberland, Lycoming, and Columbia, in the room of Ellis Lewis, resigned.

DAVID R. PORTER.

To the Assembly Transmitting the Annual Report of the Canal Commissioners.

Gentlemen:

I HAVE RECEIVED FROM THE BOARD OF CAnal Commissioners their annual report and accompanying documents, giving a view of the works of internal improvement, and the various transactions

connected with that subject, for the year ending on the 30th day of November last, which I have this day directed to be transmitted to the House of Representatives.

I regard this document, under existing circumstances, as the most important which it has been my province to communicate since my induction into office, and cannot too earnestly commend its recommendations to your early and careful consideration.

DAVID R. PORTER.

Executive Chamber, January 19th, 1843.

[DOCUMENTS OMITTED.]

To the Senate Nominating Joseph Stilwell to be an Associate Judge of the Court of Common Pleas for Union County.

Executive Chamber,
Harrisburg, January 19th, 1843.

Gentlemen:

BY THE ANNEXED COMMUNICATION IT WILL be perceived, that Jacob W. Smith, whom I nominated to your body on the 5th instant, for the office of an Associate Judge in and for the county of Union, in the room of John Baskin, resigned, declines accepting the appointment, and has requested of me the withdrawal of his name from the Senate.

I do therefore, hereby withdraw the name of Jacob W. Smith, and substitute that of Joseph Stilwell, for the said office of Associate Judge of the county of Union.

DAVID R. PORTER.

DOCUMENT.

Selinsgrove, Union County,
January 16, 1843.

His Excellency, David R. Porter, Governor of Pennsylvania:

Sir—I observe, by the published proceedings of the Legislature, that you did me the honor, on the 5th instant, to

nominate me to the Senate for the office of Associate Judge of Union county, to fill the vacancy occasioned by the resignation of Judge Baskin. For this unsolicited and wholly unexpected honor, I respectfully beg leave to tender you my most grateful acknowledgments. But the nature of my private pursuits is such, that it is utterly out of my power to accept the station; and should I be confirmed by the Senate, it would not be possible for me to discharge its duties. I am, therefore, compelled respectfully to decline the nomination, and to request of your Excellency the withdrawal of my name from the Senate.

I am, with due respect,
Your friend,
J. W. SMITH.

To the Assembly Transmitting a Report of the Nicholson-Baynton Commissioners.

Executive Department,
Harrisburg, January 19, 1843.

Gentlemen:

I HAVE RECEIVED FROM THE COMMISSIONERS appointed under the Act entitled "An Act to settle the estates of John Nicholson and Peter Baynton," passed April 16, A. D. 1840, the annexed report, which I have directed to be transmitted to the General Assembly.

DAVID R. PORTER.

DOCUMENT.

His Excellency, David R. Porter:

Sir—The undersigned, Commissioners appointed under the Act of Assembly, passed the 16th April, A. D. 1840, entitled "An Act to settle the estates of John Nicholson and Peter Baynton," respectfully submit to your Excellency the following brief report of their proceedings:

Total amount arising from sales and compromises, and for payment of which bonds and securities are now deposited in the State Treasury and in the Nicholson court, ... $41,677 68

The above sum is comprised of the following items, viz:

Sales and compromises confirmed, as per last report, dated 24th January, 1842, ...	$8,307 25
Sales and compromises made since 5th April, 1842, ...	31,870 43
Amount from lands of John Nicholson, ...	$40,177 68
Amount from lands of Peter Baynton, ...	1,500 00
Total, ...	$41,677 68

There are now before the Commissioners about seven hundred applications for compromises, which remain to be acted upon.

The whole amount drawn from the Treasury of the State, to pay expenses of the Nicholson Court and Commissioners, since the Act of 1840, is about six thousand dollars.

To the Senate Nominating William T. Dougherty to be an Associate Judge of the Court of Common Pleas for Bedford County.

Executive Chamber,
Harrisburg, January 13, 1843.

Gentlemen:

I NOMINATE WILLIAM T. DOUGHERTY TO BE an Associate Judge for the county of Bedford, from and after the 27th day of February next.

DAVID R. PORTER.

To the Senate Nominating Certain Persons to be Associate Judges of the Courts of Common Pleas for the Several Counties Named.

Executive Chamber,
Harrisburg, January 31, 1843.

Gentlemen:

I NOMINATE THE FOLLOWING NAMED PERsons to be Associate Judges from and after the 27th day of February next, for the counties respectively annexed to their names, to wit:

Benjamin Adams Plumer for the county of Venango, in the room of Richard Irwin.

John Ruckman for the county of Bucks, in the room of Michael H. Jenks.

DAVID R. PORTER.

To the Senate Withdrawing from Nomination the Name of Anson V. Parsons as President Judge of the Court of General Sessions of the City and County of Philadelphia and Nominating the said Anson V. Parsons to be an Associate Judge for the Court of Common Pleas for the City and County of Philadelphia.

Executive Chamber,
Harrisburg, February 3, 1843.

Gentlemen:

THE LAW OF FEBRUARY 25, 1840, ESTABLISHing "the Court of General Sessions for the city and county of Philadelphia," having been repealed at your present session, and the Court itself abolished, from and after the first Monday of March next, I hereby withdraw the nomination of Anson V. Parsons, as President Judge of the same, in the room of George W. Barton, resigned, communicated by me, to the Senate, on the 9th day of last month; and also nominate the said Anson V. Parsons to be an Associate Judge for the Court of Common Pleas, in and for the city and county of Philadelphia, in pursuance of an Act of the General Assembly, passed this day, entitled "An Act to abolish the Court of General Sessions, of the city and county of Philadelphia, and for other purposes."

DAVID R PORTER.

To the Senate Nominating Calvin Leet to be an Associate Judge of the Court of Common Pleas for Susquehanna County.

Executive Chamber,
Harrisburg, February 4th, 1843.

Gentlemen:

I HEREBY NOMINATE CALVIN LEET TO BE an Associate Judge of the Court of Common Pleas in and for the county of Susquehanna, from and after the 27th inst., in the room of Isaac Post.

DAVID R. PORTER.

To the Speaker of the Senate Giving Notice of the Appointment of Charles McClure to be Secretary of the Commonwealth.

Executive Chamber,
Harrisburg, February 20, 1843.

Sir:

BE PLEASED TO INFORM THE SENATE, THAT I have this day appointed and commissioned Charles M'Clure, of the county of Cumberland, to be Secretary of the Commonwealth, agreeably to the eighth section of the second article of the Constitution.

I have the honor to be, sir,
Your obedient servant,
DAVID R. PORTER.

To the Assembly Vetoing "An Act to Provide for the Election of Representatives of the People of this State in the Congress of the United States.

Gentlemen:

I REGRET THAT AN IMPERATIVE SENSE OF duty compels me to return the Bill entitled "An Act to provide for the election of Representatives of the people of this State in the Congress of the United States," to the House of Representatives, in which it originated, without my approbation. This regret is increased by the consideration, that I have already interposed to arrest the passage of a Bill for the same purpose, and, in many respects, substantially the same as the present; but, unpleasant as it is, I cannot yield my assent to the passage of this Bill, bearing on its face such glaring objections.

I beg leave to call your attention to my message of the 5th January ultimo, returning the former Bill, entitled "An Act to divide the State into Congressional districts for the election of Representatives in the Congress of the United States," for the ground-work of several strong objections to the Bill now before me. These objectionable features not having been changed, they operate as potently against the present as they did against the former Bill.

Among them, I will briefly refer to the disparity between the number in some of the districts. The 18th, for instance, embraces a population of 52,721, while the 10th has 89,103. Here is a difference of upwards of 36,000, being more than half the proper ratio for a member of Congress. Exact equality of numbers is, of course, unattainable in the respective districts; but a disparity so great as this, amounts to a positive violation of the fundamental principle of representative government. If the principle be recognized, that one district, with less than two-thirds of the population of another, shall be entitled to an equal representa-

tion, there is no limit to this injustice. Counties and whole districts may be, in effect, disfranchised, and a tyranny of the most odious kind, under the guise of law, be established. I cannot assent to the recognition of so monstrous a principle.

Another leading objection, which of itself would be abundantly sufficient to induce me to withhold my sanction from this Bill, is its obvious tendency to transfer the political ascendancy in the national councils to the minority in this State. I say nothing impugning the motives of those who originated and supported this Bill; but no person, in the least degree conversant with the political condition of Pennsylvania, can shut his eyes to the fact, that the political party notoriously in the minority, would, under the provisions of this Bill, elect an equal number of members of Congress with the admitted majority, or, at least, within one or two of an equality. This is wrong—it is an abuse of power, neither called for nor justified by any reason that I can discover.

The Constitution of the United States does not, it is true, recognize the existence of political parties; but they are inherent in the very nature of our government, and will as certainly exist, as the government itself does. The provision confiding to the States the designation of districts for the election of members of the House of Representatives of the National Government, was intended to give to the respective States the power of suiting the arrangement of the districts to the condition of parties, and, of course, to the interests and convenience of the States.

I have been taught from my boyhood that the safety and stability of our government depended, in a great measure, on the ascendancy of the great principles of human rights, for which the Democratic party has steadfastly contended since the political revolution of 1800.

I believe these principles lie at the foundation of our free institutions: and that whenever they are infringed, those institutions are endangered. I would feel unwilling to entrust the defence of those principles to such champions as would be probably elected, were this Bill to became a law. Give the minority their full representation; deprive them not of a single vote: but let not the whole control be surrendered into their hands.

It may be possible that many of the great measures of policy, which have been the peculiar boast of the Democracy of the country, will owe their triumph or defeat to the delegation from Pennsylvania. It may be possible that the election of a President of the United States will depend on the same vote; and in view of these probable or possible contingencies, do those who believe that the political principles of the Democratic party are essential to the public good, discharge their duty faithfully, by allowing their opponents to usurp the places which, in justice, belong only to themselves.

I presume not to dictate to others; but I cannot refrain from speaking and judging for myself. I have battled too long in the ranks of Democracy to see its standard struck down without lifting my arm to avert it. Were I to do so, I should feel that I had betrayed the trust reposed in me by the Democracy of Pennsylvania, and was unworthy of its respect and confidence. My political career is drawing to a close, and I will not sully it by the open or covert abandonment of the rights of my democratic fellow-citizens.

DAVID R. PORTER.

Executive Chamber, Harrisburg, February 21, 1843.

To the Senate Nominating Associate Judges of the Courts of Common Pleas for the Several Counties Named.

Executive Chamber,
Harrisburg, February 22, 1843.

Gentlemen:

I NOMINATE THE FOLLOWING NAMED PERsons to be Associate Judges for the counties to their names respectively annexed, from and after the 27th day of February, instant, to wit:

John Grayson, for the county of Washington, in the room of Thomas M'Keever.

James M'Divit, for the county of Adams, in the room of George Will.

DAVID R. PORTER.

To the Senate Nominating Associate Judges of the Courts of Common Pleas for the Several Counties Named.

Executive Chamber,
Harrisburg, March 9, 1843.

Gentlemen:

I NOMINATE THE FOLLOWING NAMED PERsons to be Associate Judges for the counties respectively annexed to their names, viz:

Samuel Dunn, for the county of Franklin, in the room of Robert Smith.

William Dock, for the county of Dauphin, in the room of Frederick Hummel.

Daniel Jacoby, for the county of Montgomery, in the room of Joseph Royer; and

George Rahn, for the county of Schuylkill, in the room of Samuel D. Leib.

DAVID R. PORTER.

To the Senate Nominating Nathaniel B. Eldred to be President Judge of the Twelfth Judicial District.

Executive Chamber,
Harrisburg, March 18, 1843.

Gentlemen:

I HEREBY NOMINATE NATHANIEL B. ELdred, to be President Judge of the 12th Judicial District of Pennsylvania, composed of the counties of Dauphin, Lebanon, Schuylkill and Carbon, in the room of Calvin Blythe, resigned.

DAVID R. PORTER.

To the Assembly Vetoing "An Act to Reduce the Expenses and Provide for the Election of the Board of Canal Commissioners."

Gentlemen:

I HEREWITH RETURN TO THE HOUSE OF Representatives, in which it originated, the Bill entitled "An Act to reduce the expenses and provide for the election of the Board of Canal Commissioners," without the Executive sanction; and, in conformity to the requirement of the Constitution, I proceed to assign, with brevity, the reasons which have induced me to adopt this course. The object of this Bill, is to remove the present Board of Canal Commissioners, and to fill their places by a temporary Board to be elected by the Legislature, to serve until their places are supplied under the provisions of the first section of the Act at the next general election. If there were no constitutional barrier to any action on the subject whatever by the present Legislature, and this Bill only provided for the election of a Board of Canal Commissioners by the people, it would afford me great pleasure to give it my approval; but, as it seeks to

invest in the Legislature the appointment of a Board for a period less than a year, I can see no reason of policy for it, and abundant reasons grounded on principle to constrain me to withhold my assent, independent of my constitutional objections, which I shall give in conclusion. The members of the present Board have discharged their duty with industry, fidelity, and ability, and I have not yet discovered the least reason to believe that their places would be better supplied by the Legislature. If the members of the present Board have been faithless, incompetent, or corrupt, impeach them—try them in the mode pointed out by the Constitution; but it is unjust and unreasonable to punish them in any other way. No charge of malconduct or incompetency has been established against them; and, as far as I am informed and believe, they have proven themselves to have been governed by a proper sense of public duty. They have dispensed with unnecessary officers—they have laid the groundwork of a system of economy in the public disbursements, which, if carried out, must render our improvements an impetus, rather than a drawback, to the industry of the people; and they have brought into the Treasury a larger amount of profit than has ever yet been derived from those improvements.

Under these circumstances, the removal of the Board, in the very summary manner indicated by the second section of the Bill, would appear to the world, as a rebuke for the faithful performance of a high public duty. It would, in effect, be proclaiming to our common constituents that we are opposed to reform, economy and retrenchment, and that officers who had devoted their time and attention to the best means of replenishing an exhausted Treasury, from a source hitherto considered unproductive, were no longer deemed worthy of confidence or support. Until I am convinced that such is the opinion of the people

of Pennsylvania, I cannot consent to ratify an act that could, in these times of general distress and embarrassment, be construed into a rebuke of that character. In every section of the State, our constituents are looking to us to devise some means of maintaining the public faith, at the same time, relieving them from the burthens of taxation. It would seem to me to be treating their expectations with mockery, to place a stigma upon officers whose efforts had been successfully directed to an alleviation of the embarrassments of the public Treasury, by unnecessarily removing them at the very moment when their experience and services were of great advantage to the general interests of the Commonwealth. When the people petition their representatives for the removal of faithful agents in the manner pointed out by the second section of the Bill; when they shall proclaim that they do not desire to see the public works rendered a source of profitable revenue, and so alter the fundamental law as to embrace the proposed change, I shall then acquiesce in their decision. But, convinced as I am that the public improvements have been judiciously managed by the present Board; that they have introduced a laudable system of economy and retrenchment; that they have corrected many abuses that imperceptibly crept into the management of the works; and that, as is shown by the result of the last year's business, they have placed a large amount of profit in the Treasury, I cannot consent that they should be displaced without an assignable cause, and thereby declare that the faithful and diligent discharge of an important trust was no longer to be expected or approved.

The present Board of Canal Commissioners had, by lopping off unnecessary officers, increasing the duties of those retained, facilitating business, and diminishing the general expenses of our improvement system, reduced its annual charge more than $235,000. This

undeniable fact of itself furnishes the strongest reason against the policy of passing this Bill.

The subject of electing Canal Commissioners by the Legislature is not new in Pennsylvania. It was tried before the adoption of the present Constitution; and when it was tried, was repudiated and abandoned in less than a year, although the instance to which I refer was far less objectionable than this. That was the appointment of a Board of Canal Commissioners by an Act of Assembly, to which the assent of the Governor was given, as in the case of other laws; but this Bill takes the appointment entirely out of the sanction of the Executive, and confines it exclusively to the Legislature. It was again attempted since I had the honor of being entrusted with the Executive functions, and, on the 10th day of February, 1841, I returned the Bill, as I do this, with my objections, and it was defeated. To that message of the above date, in the Journal of the House of Representatives, I beg leave to refer you, as embodying what was then, and still is, my opinion as regards the policy of this measure. I shall not refer to it in detail; but the concluding paragraph is of too much importance to be omitted. It was in these words:

"The appointing power is the most embarrassing part of the Executive duties. I have no desire to increase its amount, nor even to retain that which is now vested in the Governor, where it can be safely exercised elsewhere. If a change is deemed essential to the prosperity of the public works, and that the power of appointment of Canal Commissioners is not safe in the hands of the Executive, I have no desire to retain it. Let it go directly to the whole people at their annual elections. The Legislature will, at all times, find me ready to co-operate with them in enabling the people to elect all officers whose appointment is not specially provided for in the Constitution;

but I never can sanction a law which takes away, not only the rights of the Executive, but the people, and gives power to the Legislature not contemplated by the Constitution, and which, in my judgment, would be a usurpation of power by the Legislature, pregnant with evil. However indisposed I may be to retain all the powers of the Executive, it is my sworn duty to protect the rights of the people from legislative encroachments, and I intend to do it.

"The issue is now before the people of this Commonwealth for decision, and with that decision, whatever it may be, I shall be perfectly satisfied. Should a majority determine that I have done wrong in refusing to sanction this change in the mode of appointing Canal Commissioners—that this contemplated alteration is wise, prudent and safe—and that better selections would have been made by the two Houses of the Legislature than by the people, or the Executive, they can easily proclaim this opinion, and execute their purpose by some other Executive agent; but if they think otherwise—if they agree with me—if they can see in the proposed system only a political scrambling for office, discord and dissention, they will also pronounce that judgment for the guidance of our future course, and will thus settle on a certain basis, the organization of the Board of Canal Commissioners, in reference to which, we now unfortunately entertain such conflicting opinions."

In this extract two points will be particularly noted. The first is the expression of my entire willingness to assent to the election of Canal Commissioners by the people; and the other is, that just on the eve of my second election, I submitted the issue openly and distinctly to the people; whether I was right in resisting of the Legislature in grasping, at the election of Canal Commissioners, in exclusion of both the Executive and the people. The result of that election is known.

I was sustained by a majority of twenty three thousand votes, and the Legislature that was elected when that issue was tendered, did not move in this matter at all. I had, therefore, hoped, as the people had, that whatever else was unsettled, this question, at least, was at rest. But the passage of this Bill proves otherwise.

By the published journals of your proceedings, it is found that this Bill originated without a solitary petition from the people; and long and loud as it has been agitated on the floor of the Legislature; and with all the aid of the individuals interested in effecting the object, not a petition, nor a resolution, or other expression of public opinion at any public meeting, has found its way here, asking that the Canal Commissioners be elected by the Legislature.

Much of the clamor and disturbance which have attended the various changes effected and sought, in the mode of appointing and electing Canal Commissioners, may no doubt be traced to the dispensation of patronage and favors by those officers. It so happens that they have not at all times vacant places for the friends of members of the Legislature at disposal, or that those friends are not always the best qualified to fill them; and, in these cases, it generally seems, as if the individuals disobliged, consider it a paramount duty enjoined by the highest commands of patriotism, to wreak vengeance on the devoted heads of the offending officers. And it not unfrequently occurs that they avail themselves of their legislative station, to carry, or attempt to carry, that object into effect.

The employment of improper subordinate officers and agents on our public improvements, has been a frequent and just theme of complaint; and I believe in nine cases out of ten, in which these officers and agents have been continued in the public service, they

have been backed and sustained by the influence of official friends. To this same influence, also, may be fairly ascribed at least twenty millions of dollars of the present State debt; and to such a frightful extent had this growing evil already been carried in the early stage of our improvement system, that by the Act of 24th March, 1828, the Legislature itself was obliged to prohibit "any member of either branch, either directly or indirectly, from having any contract for the construction of the public works." All that was then left for this kind of influence to reach, was the appointment of officers on the railroads and canals: and if this had been prohibited as effectually, it is very probable I should have been spared the performance of the duty which this Bill imposes on me.

Why then is the passage of this Bill to be urged? What good policy can it promote? What public interest will it advance? What prejudice will result to the public, if the present Board is left in office? I must hear these questions answered more satisfactorily than they have been, before I sanction such a law.

An experiment, in a new mode of transportation, is about to be tested, which, while it is not intended to give it an undue advantage over the persons engaged in the old system of carrying goods and merchandise, promises fair to open our canals and railroads to individual competition and enterprise, and to lessen the evils heretofore experienced from the monopoly in the carrying trade enjoyed by companies of large capital. Prudence and sound policy would seem to dictate that this new system should be carried out and tested by the officers under whose management it has thus far progressed, and whose devotion to the public interests is so manifestly exhibited in the flattering results of the last year's operations. Three changes in the Board in one year, as would be the case should this

Bill become a law, would create a confusion which a wise regard for the public welfare at this peculiar and trying crisis in our financial affairs should lead us to avoid. No individual would pursue such a course in his private business, and I can perceive no public interest to be promoted by its adoption in the present case. The navigation is expected to commence in a few days. The officers are at their posts, ready to commence business. New principles have been engrafted on the rates of toll, and new instructions given. These have been received by, and explained to, the public agents. Like all sudden and unexpected changes, the removal of the present Board at this time would produce a derangement in the transaction of the business connected with the improvements, which would be felt throughout the year.

This Bill provides that the President of the Board of Canal Commissioners shall be elected by the two Houses jointly, and each of the two others by the Senate and House separately. A most serious difficulty here presents itself under the Constitution.

The twenty-fourth section of the first article provides that "every order, resolution, or vote, to which the concurrence of both Houses may be necessary, (except on a question of adjournment), shall be presented to the Governor, and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a Bill."

Now, the President of the Board is to be elected by both Houses assembled in the mode prescribed. He is to be elected by their vote, and no provision is made for submitting that vote to the sanction of the Executive. This is in the very teeth of the provision of the Constitution quoted; and such a provision would, of course, be null and void if I even signed it. Let it not be said that the two Houses elect a State Treas-

urer without this Executive sanction. That is specially directed in the Constitution. Neither can it be said that they elect a United States Senator in the same mode. The Constitution of the United States provides for that election.

The very object of inserting this provision into the Constitution doubtless was, to prevent precisely such Acts as this from being passed. It was to impose some check on legislative usurpation—the most frequent, oppressive and tyrannical of all others.

I will here take occasion to state what I conceive to be the true landmarks of legislative and executive power established in the Constitution. The first section of the first article provides that "the legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives." The eleventh section of the same article provides that "each House shall choose its Speaker and other officers; and the Senate shall also choose a Speaker pro tempore, when the Speaker shall exercise the office of Governor." The thirteenth section of the same article provides, that, in addition to certain other authorities, each House "shall have all other powers necessary for a branch of the Legislature of a free State." By the fourth article, the sole power of impeaching is vested in the House of Representatives, and the power of trying all impeachments in the Senate. "The Governor, and all other civil officers under this Commonwealth, shall be liable to impeachment for any misdemeanor in office."

By the sixth section of the sixth article, "a State Treasurer shall be elected annually by joint vote of both branches of the Legislature."

By the eighth section of the same article, it is provided that "all officers whose election or appointment is not provided for in this Constitution, shall be elected or appointed as shall be directed by law. No person shall be appointed to any office within any county who

shal not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected; but, if it shall not have been so long erected, then within the limits of the county, or counties, out of which it shall have been taken. No member of Congress from this State, or any person holding or exercising any office or appointment of trust or profit under the United States, shall, at the same time, hold or exercise any office any office in this State, to which a salary is, or fees or perquisites are, by law annexed; and the Legislature may by law declare what State offices are incompatible. No member of the Senate, or of the House of Representatives, shall be appointed by the Governor to any office during the term for which he shall have been elected."

This section, it will be observed, prohibits the Governor from appointing members of the Senate and House of Representatives to office, but does not extend that prohibition to the Legislature itself—evidently contemplating that the Legislature had not, and could not have the power to appoint to office, further than that power is distinctly conferred in the Constitution itself. The clause that "all officers, whose election or appointment is not provided for in the Constitution, shall be elected or appointed as shall be directed by law," simply means that it shall be directed by law. What authority recognized by the Constitution as possessed of the power, shall elect or appoint? It confers no power on the Legislature, by the terms used, to elect or appoint, unless some other part of the Constitution bestows that power. And this will be obvious, on reference to other provisions of the Constitution bearing on the same point.

By the eighth section of the second article, it is provided "he shall appoint a Secretary of the Commonwealth during pleasure; and he shall nominate, and

by and with the advice and consent of the Senate, appoint all judicial officers of courts of record, unless otherwise provided for in this Constitution." The agency of the Senate, in appointments to office, is thus specifically described and regulated, so as to exclude the inference that it extends beyond the boundaries laid down.

From these provisions of the Constitution, it is evident that the Legislature possesses only the "legislative power of this Commonwealth," and can elect only the officers of the two Houses, and a State Treasurer. If the people desire to invest the Legislature with other or greater power of electing and appointing to office, it can easily be done by an amendment of the Constitution. Until they do, all Departments of the Government must be content with such powers as they possess under a legitimate construction.

The appointment to office, under the Constitution of Pennsylvania, is not a legislative, but an executive power, and can be exercised only by the Executive, or by the people in elections.

The first section of article second is in these words: "The supreme executive power of this Commonwealth shall be vested in a Governor."

It is provided in section thirteen, of the same article, that "he shall take care that the laws be faithfully executed."

It is provided in the tenth section of the same article, that "he may require information in writing, from the officers in the Executive Department, upon any subject relating to the duties of their respective offices."

The eleventh section of the schedule of the amended Constitution, is in these words: "The appointing power shall remain as heretofore, and all officers in the appointment of the Executive Department, shall continue in the exercise of the duties of their respective

offices, until the Legislature shall pass such laws as may be required by the eighth section of the sixth article of the amended Constitution and until appointments shall be made under such laws, unless their commissions shall be superseded by new appointments, or shall sooner expire by their own limitations, or the said offices shall become vacant by death or resignation; and such laws shall be enacted by the first Legislature under the amended Constitution." These sections define the extent of the power of the Executive, in making appointments to office, and most clearly show that, unless taken away by the Constitution itself, or by laws passed in accordance with its provisions, the power of making such appointments is vested in that functionary.

The second section of the ninth article declares "all power to be inherent in the people;" and in all cases where the Constitution does not vest the power of election or appointment in some particular department of the Government, it may be directly exercised by them, if directed by law.

The eleventh section of the schedule of the amended Constitution clearly recognizes the Executive authority on this subject, and unless such laws as are required by the eighth section of the sixth article, were enacted by the first Legislature, under the amended Constitution, and those laws vested election or appointment of officers in the people, it remains in full force. No such laws were required or passed, and consequently they cannot be by this Legislature. Happily for us this question has been determined by the Supreme Court, and both the Legislature and Executive are bound by it. In the case of the Commonwealth vs. Leib, 9 Watts, p. 226, that tribunal, in speaking on the subject of the power of subsequent Legislatures, whenever a special power is enjoined on the first Legislature, under the amended Constitution,

says: "and if even there were a discretion in the matter, it is given to the General Assembly at its first session, and to none other. It is a delegation to that specific body of a portion of the sovereign power of the people, entrusted by them to the Convention, establishing a fundamental law, permanent and indefeasible as the Constitution itself, partaking of its eminent character, and intended to govern the conduct of the people and of the constituted authorities."

This section of the schedule is drawn with great clearness. Its meaning cannot be misunderstood. The general power of the Legislature to pass such laws as might be required under the eighth section of the sixth article is expressly limited and confined to the "first Legislature under the amended Constitution."

The great object of the amended Constitution was, to diminish the power of the Executive and enlarge that of the people. No additional power is vested in the Legislature; on the contrary, its power is materially abridged. In every instance in which it is noticed, it is restricted, but in the single instance of conferring on the Senate the power of consenting to the appointment of judicial officers.

It would be a most extraordinary spectacle to see the Legislature, after all the efforts of the people in the amended Constitution to control and restrain the action of their servants, assuming additional powers—claiming to elect or appoint officers never before elected or appointed by them, or if at all, but in a single repudiated and abandoned instance, and this too, without being called upon by the people to do it. All the wholesome restraints on the Governor against appointing members of the Legislature to office, lest it might tend to corruption, are thus broken down, and the very evil guarded against in the Governor, is licensed and made the means of bounty to the members of the Leg-

islature themselves, whose virtue, it was feared, might be too often and too easily tempted. This surely cannot to be the true meaning and design of the Constitution. If it is, its restrictions are mere machines, and the power of the Legislature is omnipotent, as Lord Coke describes that of the British Parliament to be.

The great misapprehension seems to me to be this:—it appears to be taken for granted that the two Houses of the Legislature are in fact the people of Pennsylvania, when it too often happens they are quite different things. Unfair apportionment bills—accident—apostacy or deception, may fill the legislative seats with members who do not represent the wants and opinions of the people. Instances are not wanting, in which the action of the Legislature met with no sanction save that of the majority of its members, while the indignant reproofs of the entire community told them how much they had mistaken, or misrepresented the public feeling. I need not apply this remark to the present Legislature; there are others to which it is obviously applicable. To them I confine it.

I think a very important constitutional principle is involved in this measure; and let the result be as it may, I shall not shrink from my post. I think the election or appointment of the Canal Commissioners belongs only to the Executive, or to the people, and cannot be vested in the Legislature without a gross usurpation of power; and so thinking, I have performed my duty, by resisting, as far as I can, the adoption of this Bill. Whether it is to receive the constitutional form of a law depends on you—how far it will be binding, if it should, is for another tribunal to decide; and I am glad, in a question of such magnitude, that we have a constitutional umpire to arrest both your encroachments and mine, if we make any on the liberties of the people.

DAVID R. PORTER.

Executive Chamber, April 1, 1843.

To the Senate Nominating Gaylord Church to be President Judge of the Sixth Judicial District.

Executive Chamber,
Harrisburg, April 3, 1843.

Gentlemen:

I HEREBY NOMINATE GAYLORD CHURCH TO be President Judge of the sixth judicial district of Pennsylvania, composed of the counties of Erie, Crawford, Warren, and Venango, in the room of Nathaniel B. Eldred, resigned.

DAVID R. PORTER.

To the Senate Nominating James L. Gillis to be an Associate Judge of the Court of Common Pleas for Jefferson County.

Executive Chamber,
Harrisburg, April 10, 1843.

Gentlemen:

I HEREBY NOMINATE JAMES L. GILLIS, TO BE an Associate Judge of the Courts of Common Pleas, in and for the county of Jefferson, in the room of Andrew Barnet.

DAVID R. PORTER.

To the Assembly Vetoing "A Supplement to the Act Providing for the Election of State Printers."

Gentlemen:

I FEEL MYSELF CONSTRAINED, BY AN IMperious sense of duty, to return to you the Bill, entitled "A supplement to the Act providing for the election of State Printers," and will proceed to state, with brevity, my objections.

The Bill provides for the meeting of both branches of the Legislature, in Convention, for the purpose of letting the public printing and binding to the lowest bidder, for a term of three years, to commence from the first day of July next; the proposals to be received and opened during the present session of the Legislature. Although the public printing has of late years been a source of much and bitter contention, and has also been attended with a very heavy expense to the State, I can perceive nothing in the provisions of this Bill to diminish either the strife which it engenders, or to lessen its cost. The same mode of disposing of this portion of the public patronage, prevailed in this State many years ago. Having myself served in the Representative branch of the Government, when this system was in operation, I had full and ample opportunity to witness its amlost entire impracticability, and the numerous evil consequencese which resulted from it. The spirit of competition was pushed to a far greater extent than was at all desirable, and scenes of the most disreputable rivalry were constantly exhibited. Fictitious bids were frequently imposed upon the Legislature, by which it found itself greatly embarrassed in making its decisions, not knowing either the responsibility of the bidder or his sureties. The desire of getting hold of the public printing, at all hazards, frequently induced individuals to undertake it at a price far below the cost of its execution; and having once secured it, their dependence was placed upon the generosity of some succeeding Legislature, for additional remuneration. Not unfrequently the individual to whom it was allotted, discovering that he had been betrayed into a bid that threatened to ruin to himself in the end, found himself compelled to abandon his contract; and the Legislature was put to the necessity of selecting other men to finish the work that had been but imperfectly prosecuted. So

great were the difficulties of the system, that the Legislature of 1823-4, by the concurrence of all parties, abolished it entirely, and by a very large vote, enacted a law, leaving each Legislature to select its own printers; but at a fixed and definite compensation. The latter mode has prevailed ever since, although with various changes and modifications of the prices, and mode of doing the work.

In order, however, to establish a still more perfect and permanent system, I recommended to the Legislature, in my last annual message, the passage of a law for the election of a State Printer, for a period of years, allowing him fixed and reasonable prices for the work. I did so from a conviction that such a law would effectually prevent the annoying struggles for the printing, witnessed at the opening of each succeeding Legislature, and that it would insure the execution of the public printing with greater facility, and at more economical rates; in which opinion I was confirmed by the salutary example of other States. In accordance with this suggestion, such a law was passed at the present session and approved by me on the 24th ultimo. Before its provisions are, however, carried into effect, and the soundness of the experiment has been tested, the present Bill is presented to me, which, if enacted into a law, will defeat the consummation of the former law, and re-introduce the exploded system of allotment to the lowest bidder, which has been once tried, and by common consent abandoned. To this retrograde policy it is impossible for me to yield my assent; and I still think that the provisions of the Act of the 24th ult., establishing permanently the office of State Printer, are sound and wholesome, and should be carried out.

The time allowed for the reception of bids, is, at all events, entirely too short to admit of its being effected with that justice and impartiality which are

desirable. The session is now near its close, and the knowledge that the public printing is proposed to be allotted to the lowest bidder, has scarcely reached any of the printers residing in the country. These, comprising a host of patriotic and meritorious men, would be wholly excluded from competition, and the bidding would necessarily be confined exclusively to the printers located at the seat of Government. If the system is to be adopted at all, competition should be open to all. It should be general, not partial. This cannot now be done, and hence my objections to the measure.

DAVID R. PORTER.

Executive Chamber, Harrisburg, April 13, 1843.

To the Senate Nominating Josiah W. Evans to be an Associate Judge of the Court of Common Pleas for Montgomery County.

Executive Chamber,
Harrisburg, April 14, 1843.

Gentlemen:

I HEREBY NOMINATE JOSIAH W. EVANS, TO be an Associate Judge of the Courts of Common Pleas, of the county of Montgomery, in the room of Daniel Jacoby, who declines accepting the appointment.

DAVID R. PORTER.

To the Assembly Announcing that an "Act to Reduce the Expenses of the Government" had become a law without the Governor's Signature, and pointing out the Objections to Abolishing the Office of Secretary of the Land Office.

Gentlemen:

THE BILL ENTITLED "AN ACT TO REDUCE the expenses of Government," having been retained by me for more than ten days, has become a law without my signature; and I return it to the House of Representatives, in which it originated. In doing so, I feel myself impelled by a sense of duty to call the attention of the Legislature to some of its provisions, the expediency of which appear to be at least of doubtful character. Those particularly alluded to are contained in the fifth section of the Act, by which the Office of Secretary of the Land Office has been abolished. The pecuniary saving to the Commonwealth, produced by this part of the law, is insignificant in amount when compared to the confusion and injury to land titles in Pennsylvania likely to result from it. By abolishing this office, established under the Proprietary Government and continued in use ever since, the checks and guards upon the office of Surveyor General are removed, and no means have been left for the detection of error or omissions that might arise from neglect, accident, or fraud. Hitherto it was the duty of the Secretary of the Land Office to keep a register of the warrants issued, which, with the account of moneys paid for them, would be legal evidence of a warrant having issued, in case the papers in the office of the Surveyor General should be lost or destroyed by accident or otherwise.

Returns of surveys made to the Surveyor General, have heretofore been certified by that officer to the Secretary of the Land Office, who, in his turn, certified to the State Treasurer the amount of purchase money

and fees due upon them; on the payment of which to the last named officer and presentation of his receipt for the same to the Surveyor General, a patent was issued to the person applying for it.

It was also the duty of the Secretary of the Land Office to return monthly to the Auditor General an accurate account of the moneys paid into the State Treasury for lands. By the provisions referred to, this whole system, which has been in use for nearly a century, has been abolished, and the guard which it placed over the issue of warrants and patents, and the security which it afforded for the payment into the Treasury of the Commonwealth of money arising from their issue, has been removed.

Feeling persuaded that the Legislature could not have had all these consequences presented to the consideration of its members, or they would not have consented thus to jeopard the titles of the land holders of Pennsylvania, I am constrained at this time to allude to them; and respectfully, but earnestly to suggest the propriety of an early modification or repeal of that portion of the law which is calculated to be productive of the evils mentioned.

DAVID R. PORTER.

Executive Chamber, Harrisburg, April 17, 1843.

Reply to an Invitation to Join with the Democracy of Philadelphia in a Celebration of Independence Day, with Remarks on the Governor's Own Relation to Pennsylvania Democracy.

Harrisburg, 3d July, 1843.

Gentlemen:

I REGRET EXCEEDINGLY THAT UNAVOIDable engagements compel me to forego the pleasure of accepting your kind invitation to unite with the Democracy of the city and county of Phila-

delphia in celebrating the present anniversary of our national independence. This regret is heightened when I reflect how much is due to the constancy, firmness and fidelity of the Democracy of Philadelphia, at all times, and under all the forms in which federal blandishment and power can address them. I feel no small degree of gratification at the favorable terms in which you are pleased to speak of my public services. Surrounded by extraordinary difficulties, beset on all sides with the most violent and rancorous opponents, division weakening and disheartening my political friends, I have constantly experienced, since I have held the station to which the partiality of my democratic brethren elevated me, how much I stood in need of the candid and dispassionate judgment of my fellow citizens. There has been scarcely a leading measure presented for my sanction or rejection, in which I could hope to please all, or indeed a majority of the community. In these emergencies I have invariably acted on one system of policy. I have given each measure the most careful consideration, and pursued that course which my judgment approved. My vindication I cheerfully leave in the hands of my fellow citizens, when time has tested the propriety of my course. Prejudice will soon die away, political demagogues will vanish from the stage of action, the violence and madness of ignorant theorists will give place to the "second sober thought of the people," personal calumny and scurrility will, together with their authors, be cast into the political sewer, loathed and despised; and when that period arrives, I know full well my fellow citizens will do me justice. Others, far more worthy than myself, have passed through this ordeal, and I follow them without repining. You are perfectly correct in supposing that I am not quite so ignorant of the staunch character of the Democratic party, with which I have acted from boyhood, as to

think any man, however high and respected, could transfer it to the suport of men or measures it did not approve. The charge that I have projected such a transfer of the Democracy of Pennsylvania could originate only in the grossest ignorance or the bitterest rancor. I have not yet reached that state of mental aberration which would be clearly implied by such an attempt. I know well it would result in my own discomfiture, and in richly earning the contempt of those I undertook to transfer. But can it be possible there is an considerable number of our fellow citizens whose credulity is weak and silly enough to swallow this groundless fabrication. I trust even its unprincipled retailers do not expect it to be believed. There is not a human being on the face of the earth who can say such an attempt was ever, directly or indirectly by me made. It will, however, answer its end. It was designed to swell the popular clamor sought to be raised against me and some others, by those who dare not openly avow that they assail me because I thought others had at least equal claims to official promotion, and I did not think the public welfare would be advanced by allowing them to thrust their hands unlawfully into the public Treasury. The pretext for this idle charge is, that, as the Chief Executive Magistrate of Pennsylvania, I have not joined in the tirade of abuse heaped on the Chief Executive Magistrate of the Union. I have not felt myself called upon to become the eulogist or the censurer of that distinguished gentleman. Elected by the opponents of the Democratic party, I think he has, notwithstanding, rendered great service to his country, and to the Democracy, by defeating the creation of a National Bank and other schemes of public plunder which would have surely followed in its train. By so doing, he has incurred the deepest hatred of most of his former supporters. I have not seen in this any good reason why

the Democracy should join with them. So far as I am myself concerned, I seek to transfer the support of the Democracy to no one; but I should feel recreant to my duty as a private citizen, and a public officer, if I did not encourage and sustain him in his efforts to administer the government on the principles sanctioned and held dear by the great fathers of Democracy. To this extent and no further, am I now, or shall I ever be, the supporter of the National Administration. Should these principles be disregarded, I shall be among the first to oppose and condemn it. If others differ from me in opinion, they entertain very peculiar notions of the duty of Democrats and Patriots.

The strenuous endeavors made by a few disappointed and interested individuals to distract and divide the Democratic party, cannot astonish those who are acquainted with their characters. Their pretended hope is to set on foot an impeachment of me, and perhaps some others. They specify no ground of complaint. They can find none upon which "my enemies themselves being judges," I have not been fully exonerated. An impeachment, it is thought, would cast some odium on me, though no one doubts its result. If the people of Pennsylvania desire to impeach me, I am ready to challenge and meet it. But while the clamor for it is confined, as it now is, in a degree, to band of base ingrates, who have crept into public notice through my own misplaced confidence, I can view it with no other feeling but of contempt. Did the world know these persons as I do, this reference to them would have been wholly unnecessary. I would thank you to present the accompanying sentiment to the Democracy of Philadelphia, celebrating with you the birthday of our National Independence.

Very respectfully, your fellow citizen,

DAVID R. PORTER.

The Democracy of Pennsylvania, It owns no master;

it needs no dictator; it abhors all disturbers of its harmony and peace; it can judge for itself, and will act on its own judgment.

Letter of Regret in Reply to an Invitation to a Public Dinner—with Some Personal Reflections.

Harrisburg, Sept. 2, 1843.

Gentlemen:

I RECEIVED YOUR VERY KIND AND FLATTERing invitation of the 20th ultimo, to partake of a public entertainment at the Exchange Hotel, just as I was on the eve of departure from Pittsburg; and have been since so constantly occupied with official engagements, accumulated during my absence, as to compel me to postpone an acknowledgment to a later period than I had intended. Permit me to return my sincere thanks to you, one and all, for the obliging terms in which your invitation was presented. Had circumstances rendered it practicable, nothing would have afforded me greater pleasure than to have accepted it, and personally thanked you for this welcome to your flourishing and enterprising city. But a long absence from the seat of government admonished me of the necessity of a speedy return.

I cannot pass over, without special notice, the expression of your "undiminished confidence in your integrity, ability, and patriotism," which you so frankly made. Under ordinary circumstances, a word from me on this topic might savor of vanity; but when I reflect that I was first elected by my fellow-citizens in the year 1815, and by their partiality and confidence I have occupied some station of public trust almost constantly from that period to the present; and when we look around and find so very few who have wea-

thered the political storm so long; I am sure the expression of my gratification at this avowal of confidence from so respectable and enlightened a body of gentlemen, as have united in it, will not be misconstrued. The highest reward a public servant can receive in this country is the approbation of his intelligent and virtuous fellow-citizens, and next to the peace of his own conscience none can inspire him with greater pleasure. I have lived too long and witnessed too many of the vicissitudes of political fortune not to estimate at its true value, the detraction of political foes, and of ungrateful friends. It lives out its day and perishes with its authors. An honest man has nothing to fear from public expression deliberately framed, however it may be, for a season, abused and tampered with. To this tribunal have my acts and character been submitted for a period now approaching nearly thirty years; and now as the close of my Constitutional term of office approaches I abide the issue with that assurance which conscious integrity never fails to give.

With very great respect I remain, gentlemen, your obliged fellow-citizen.

DAVID R. PORTER.

To Messrs. McCandless, J. C. Cummins, John B. Butler, C. Shaler, J. S. Croft, James Gray, 4th Street, Wm. Porter, W. B. Foster, R. H. Kerr, and others.

Proclamation of a Day of Thanksgiving—1843.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is becoming that we as dependent creatures should acknowledge with Thanksgiving the favors conferred upon us by our beneficent Creator, and that with due humility we should supplicate the continuance of His blessings: I therefore no less from a conviction of its propriety than in accordance with the express wishes of a large number of my fellow-citizens, do issue this Proclamation recommending that Thursday, the 21st day of December, instant, be set apart by the people of this Commonwealth for prayer, praise and thanksgiving to Almighty God. That they abstain on that day from their wordly occupations, and unite in devout expressions of gratitude to the giver of all good for the blessings of peace, the general prevalence of health, fruitful seasons, the enjoyment of civil and religious liberty, and above all for the blessings of salvation so richly vouchsafed to us: And that they humbly beseech Him that He continue these mercies toward us; that our land may yield us her fruits of increase, that a sacred regard for our responsibilities, individual and public may be cherished, and by His blessing all our obligations faithfully discharged; that vice and wickedness may be restrained and every social and moral virtue

promoted; and that He inspire us with a due sense of gratitude to himself as the source from whence all these blessings are derived.

Given under my Hand and the Great Seal of the State at Harrisburg, this second day of December, in the year of our Lord one thousand eight hundred and forty-three, and of the Commonwealth the sixty-eighth.

By the Governor:

[Signature cut out.]

Secretary of the Commonwealth.

Annual Message to the Assembly.—1844.

Fellow-Citizens:

THE FIRST AND MOST IMPORTANT DUTY that devolves upon the Legislature, will be to examine into the financial embarrassments of the State, and to make suitable provision for the discharge of her liabilities. The entire amount of the funded debt of the State, is $39,084,000.40. This debt is reimbursable as follows:

In the year	1841,.....	$55,922 60
"	1844,.....	62,500 00
"	1846,.....	3,686,342 08
"	1847,.....	72,335 06
"	1850,.....	1,000,000 00
"	1853,.....	2,000,000 00
"	1854,.....	3,000,000 00
"	1856,.....	2,783,161 88
"	1858,.....	7,070,661 44
"	1859,.....	1,250,000 00
"	1860,.....	2,648,680 00
"	1861,.....	120,000 00
"	1862,.....	2,265,400 00
"	1863,.....	200,000 00

In the year 1864,.....	3,385,076 66
" 1865,.....	1,829,600 00
" 1868,.....	2,524,000 00
" 1870,.....	1,946,215 65
Loan payable at the expiration of cer-bank charters, ...	569,503 50
	$36,469,398 87
Interest due 1st August, 1843, for which certificates of stock were issued, redeemable in 1843, ...	866,625 53
Interest due 1st February, 1843, redeemable in 1846, ...	873,988 00
Interest due 1st August, 1843, redeemable in 1846, ...	873,988 00
Total, ...	$39,084,000 40

Upon this debt the annual interest to be paid amounts to $1,941,827.23, to wit:

Permanent loan at 6 per cent., ...	$1,946,944 33
Permanent loans at 5 per cent., ...	32,683,189 86
Permanent loans at 4½ per cent., ...	200,000 00
Relief notes at 1 per cent., ...	1,467,628 68
Relief notes at 6 per cent., ...	171,636 00
Arrears of interest due to our loan holders in August, 1842, and February and August, 1843, at 6 per cent.,	2,614,601 53
	$39,084,000 40

There is also due to domestic creditors, on certificates issued by the Auditor General, the sum of $206,461.00.

For the interest annually accruing, and for the temporary debts and liabilities of the State, provision should be immediately made. The resources of the

State are abundant, and all that is required is the right disposition, and a judicious and proper selection of the mode in which these resources are to be rendered available.

The amount of taxes levied and paid into the State Treasury, under existing laws, was as follows: In the year 1841, the amount levied was $416,794.85; there was paid into the Treasury during that year, $33,-292.77. In 1842, the tax levied was $659,512.47; the amount paid in the same year, was $486,635.85. In 1843, the amount levied cannot be ascertained with accuracy, in consequence of failures on the part of the county commissioners, in several counties, to make returns to the proper office; but, making an estimate from the best data that can be obtained, it will not fall short of $945,000.00. The tax paid into the Treasury the past year, was $553,911.38. The assessment for the ensuing year may be fairly estimated at what it amounted to the past year, provided the Legislature repeal the proviso to the 16th section of the Act of 27th July, 1842, entitled "An Act to provide for the ordinary expenses of the Government, payment of the interest upon the State debt," &c., which limits the assessment of the increased tax to one year. Unless provision be immediately made for continuing the assessment and collection of that tax, our financial difficulties must be increased, and the consequences be most disastrous to our State credit.

It will be seen from the foregoing statement, that nearly a million of dollars, arising from taxation, remains unpaid; and there is no authority vested in the Executive, by law, to enforce its collection. I have repeatedly recommended to the Legislature, the adoption of some legal method of compelling county commissioners, collectors and treasurers, to perform their duties; but, thus far, no legislation has been had upon the subject. In the present defective state of

the law, every temptation is held out to delinquents to persevere in setting at naught its injunctions. Permit me again to call the attention of the Legislature to this subject, and to express the hope that the evil will be remedied.

The whole receipts from our public improvements, beyond the payment for repairs, and the expenses of their charge and management, during the past fiscal year, amount to $482,657.34.

The current expenses of government, including the permanent appropriation to common schools, and other purposes, may be estimated at about $750,000.00. The resources of the State, independent of taxation, and the receipts from the public improvements, at about $400,000.00. From an examination of all these receipts and liabilities of the State, supposing the tax levied, under existing laws, to be punctually collected and paid over, there would be an annual deficit of about $850,000.00, independent of the balance due to domestic creditors; for the punctual payment of all which, the State is bound by every obligation of faith and honor. After a most careful consideration of the whole subject, I have been unable to devise any other mode of meeting this responsibility, than that of augmented taxation.

I took occasion in my annual message, transmitted to the Legislature on the 8th of January, 1840, to speak upon this subject, in the following pointed and unequivocal words. I beg leave to quote them, because I have reiterated, in every annual message to the Legislature since, substantially the same sentiments: and I desire the people of Pennsylvania, and the whole world to know, if there be ground to charge remissness of duty, to whom the fault is to be justly attributed:

"In expressing my own opinion in favor of a resort to taxation, I do it with no inconsiderable degree of

reluctance; but it must be obvious to every citizen of the Commonwealth, that his house, his farm, and his property, are all pledged, beyond possibility of release, to the ultimate payment of the State debt, and the interest thereon accruing, agreeably to the stipulation with the loan holders. Nor is this the worst view of our situation. The State has been actually compounding, for years past, from a million to a million and a half of interest, annually; and the question is now submitted, whether we are thus to continue adding, half yearly, this enormous amount of interest to the principal of our State debt, and continue in this pusillanimous course of policy, from year to year, of shuffling off the evil day, and entailing this frightful legacy on posterity? It is a reproach on the people of Pennsylvania, to suppose they can be longer kept in the dark, in regard to the situation in which we find them. All they want to know, to ensure a ready compliance with this indispensable call upon their patriotism, is to know the necessity of the measure. The experience of more than half a century, fortifies me in the belief, that the good sense of the people of this great Commonwealth, is rarely appealed to in vain. In assuming the responsibility of recommending this measure, I am fully sensible of what is to be encountered, and aware of the consequences that are to follow; and if, in this expression of the honest convictions of my own mind, and the fearless discharge of the duties incumbent on me, I shall not be borne out by my fellow-citizens, I shall at least have the consolation to know, that I have done that which I conscientiously believe to be right, and which I think will bear the reflection of after years. The time for evasion is gone; the public mind has been too long fed with miserable expedients. The time for action is at hand. Our country expects every man to do his duty, and he that has not nerve enough for the crisis, should give place to those better

fitted for the emergency. Neither the present Legislature, nor myself, had anything to do with contracting this debt—it is fixed on us by those who have gone before us; and the same rule of prudence and sound policy, that would govern the conduct of a private individual, holds equally good in the case of the Commonwealth, under this state of things. The private individual would tax his industry and his property, to the utmost, to pay off a debt, and the interest upon it, that was consuming the avails of his industry and his substance; so, also, it seems to me, should the representatives of a wise and judicious people. Taxation would pay the interest—it would eventually constitute a sinking fund to pay off the principal of the State debt, and should be continued till the income of the public improvements would render longer taxation unnecessary. The crisis demands the exercise of the most far-reaching sagacity, the calmest judgment, and the most fearless patriotism. I am sure the Legislature will meet it in the right spirit, to disarm it of its perils. Coming, as you do, from all quarters of the State, and possessing a more intimate knowledge of the circumstances and wants of the people than I can, I most cheerfully surrender this important subject to you, satisfied that prudence and justice will direct your action upon it."

I used strong terms in speaking to the Legislature on this subject at that time, because it was an hour of darkness, uncertainty and alarm. The explosion of the banks, the paralysis of the business energies of the country, and the murmurings of those whose ambition seeks no higher aim than that of finding fault, were all calculated to deter even honest men from faithfully performing their duty. So far as I was concerned, I was resolved that both my opinions, and my course, should be openly avowed and clearly understood. Four years have now elapsed; time has been given to

the excited to become calm, to the timid to become self-possessed, and for factious partizans to see the error of their way. I look back with pleasure on my course, because, as I had no doubt from the beginning, I have been triumphantly sustained by the honest yeomanry of Pennsylvania. They have borne, without repining, every burthen that was necessary to maintain the honor of the State, and they are ready to endure yet greater sacrifices, if they be necessary, for the same cause.

It has of late been fashionable in certain quarters, to denounce Pennsylvania, and cite her, as an example in point, to sanction the reproach which has been attempted to be cast upon the American people, of seeking to carry into practical operation the scheme of repudiating their public debts. Those who have circulated and believed this calumny, betrayed a degree of ignorance, both of the character of our people and of the course of her legislation, which is truly surprising. On every occasion, the liability of the State has been frankly avowed, both by her Executive and Legislative departments; and although the recommendations of the Executive, to make provision for the payment of her interest, have not been adopted to the fullest extent, yet the Legislature has passed laws imposing a tax, amounting the last year to a little less than a million of dollars, and this has been acceded to by the people, without a murmur from any source entitled to a moment's consideration. The failure to pay the interest has not resulted from a want of disposition to do so on the part of the citizens of Pennsylvania, but from the general disasters which have overwhelmed and crippled her, in common with almost every other government in the commercial world. We are regaining our energies, and recovering from the embarrassments by which we have unfortunately been surrounded. A very few years will enable us to retrieve all

that we have lost, and to wipe from our escutcheon every blot with which unexpected misfortune has tarnished it. Whatever the interested or evil disposed may have asserted to the contrary, there is not an honest citizen of Pennsylvania who does not feel the proud consciousness that her faith and integrity can be held up to the world unsullied.

The valuation of the real and personal property owned by the citizens of the State, ascertained by reference to the valuation as taxed for county purposes, amounts to about four hundred and sixty millions of dollars. The average of the rate of this valuation is, no doubt, considerably below the actual value of the property of the State.

Among the receipts at the Treasury during the last year, there were from tolls, exclusive of motive power, ...	$755,155 39
Auction duties, ...	59,661 78
Tax on collateral inheritances, ...	22,337 05
Dividends on bridge, turnpike and navigation stocks, ...	19,161 29
Escheats, ...	1,010 00
	$857,325 51
To which add the State tax received, .	553,911 38
	$1,411,236 89

This income, derived from the above sources, was specially appropriated to the payment of the interest on our public debt; and on the faith of the State's adherence to its solemn engagements, those from whom the money was obtained, were doubtless induced to make the loan. But, by the Resolution passed 7th April, 1842, and the Acts passed 27th July, 1842, and 8th April, 1843, those funds were applied to other and different purposes, from what was deemed, by the

Legislature, an imperative necessity, induced by the monetary embarrassments to which I have already adverted.

It is thus shown that about three and a half per cent. of the interest could have been paid the past year, but for this subsequent legislation; and that the above sum of $857,325.51, together with a tax or less than three mills on the assessed value of real and personal estate of the citizens of the Commonwealth, would pay the interest on the public debt, beyond all doubt, and place Pennsylvania on that proud eminence which the true character of her people, and the resources she possesses, designed her to occupy. But to satisfy the people of the propriety of this increase of the tax, assurance should be given that it would be applied to the payment of the interest on the State debt, to the exclusion of every other object.

There has been one objection made against taxation under the present state of things, which appears to be founded in justice, and that is, the manifest unfairness and inequality of the rates of assessment in the different counties. I annex to this message a table showing the assessments in the various counties of the Commonwealth, an examination of which, will at once disclose the evils that ought to be remedied.

Most of our laws on the subject of taxes and revenue, require revision and amendment. Those relating to collateral inheritances, retailers and dealers in merchandize, auctions and auctioneers, and brokers, require revision and modification to prevent evasions. Indeed there is good reason to believe the revenue from these sources might be doubled. The county rates and levies are not augmented by them; nor does the State tax derived therefrom, bear any fair proportion to that exacted from the land holders. The inequality and injustice of the matter become manifest when the proceeds derived from each are considered.

The tax necessary for the payment of the interest on our State debt, it has long been apparent to me, should be apportioned among the several counties of the State, and a liberal discount or drawback allowed for prompt collections and payment into the Treasury. The members of the Legislature, coming, as they do, from the several counties, and each watchful of the rights and interests of his immediate constituents, would certainly compose a board every way competent to make that apportionment. A more unequal one than that which now exists, cannot be readily devised. I am aware that each and every object and mode of taxation is more or less objectionable; but that should not absolve us from our duty. I have submitted to the Legislature, my views again and again, on this subject; and that it has, at times, differed with me, is no cause of complaint; that difference of opinion having proceeded from a conscientious discharge of duty. But, if the suggestions here made, do not seem right and proper, permit me to express the earnest hope that the Legislature will devise some other mode less objectionable, and that it will not separate until full and ample provision be made for the punctual payment of the interest on our public debt, semi-annually, as it becomes due, and thus smooth the way for those who may come after us in the administration of the government.

Before quitting the subject of taxation, it may be well to take a relative view of the taxes received at the Treasury, for the last three years, and the amount annually paid out to the several counties, for the purposes of education.

The taxes received in 1841, amounted to, ...	$33,292 77
The taxes received in 1842, amounted to, ...	486,635 85

The taxes received in 1843, amounted to, ...	553,911 38
	$1,073,840 00

The moneys paid out for the purposes of education, during the same years, amounted, in 1841, to, ...	$365,766 04
1842, ...	315,372 43
1843, ...	408,694 36
	$1,089,832 83

So that it appears more money has actually been paid out by the Commonwealth, for educating her people, than the amount of State tax paid into the Treasury.

It will be entirely practicable to make provision for the payment of the semi-annual interest, on and after the first of August next. And, to provide for every possible contingency, the State Treasurer might be authorized to borrow, if necessary, a sufficient sum to make up any deficiency, and the taxes and other receipts of the State, applicable to the discharge of interest, be pledged specifically for the re-payment of such loan, and applied as soon as received.

The arrears of interest due in August, 1842, and February and August, 1843, have been funded, in conformity with the Acts of Assembly upon that subject. This was the most that could be done for our creditors, under the circumstances, and if hereafter, provision be made for the punctual discharge of the interest, it will, I believe, be as much as could reasonably be expected by the holders of our loans.

There is now due from the State to certain banks the sum of $1,467,628.68, on account of the issue of notes under the act of 4th May, 1841, which bears an interest of one per cent. By virtue of the Act of As-

sembly passed the 8th day of April last, entitled "An Act to provide for the payment of domestic creditors," &c., these notes are to be cancelled at the rate of one hundred thousand dollars per month. The funded debt of the State bears an interest of five and six per cent. payable semi-annually. If this cancellation be continued at the same rate, it is very certain this interest cannot be paid, as a large proportion of taxes and tolls will be paid in funds of this description. It is, therefore, for the Legislature to determine which of these measures it is the policy of the State to pursue.

The revenues derived from the public works during the past fiscal year, although not realizing the estimates which were formed at the commencement of the year, have yielded a very handsome profit to the Commonwealth over the expenditures required for their maintenance. The report of the Canal Commissioners, which will be laid before you, and to which your particular attention is invited, exhibits in detail the receipts and expenditures upon the several lines of canal and railroad. By that document, it appears, that, from the early closing of the canal by ice in the latter part of 1842, and its late opening from the same cause in the following spring, the navigable season of 1843 was rendered about eight weeks shorter than that of the previous year. A combination, likewise, took place among the boatmen on the Delaware division, which existed for several weeks, putting a stop to transportation, and causing a loss of revenue to the Commonwealth of not less than $30,000. Notwithstanding these impediments, added to that experienced from the high floods on the Juniata in September last, the tolls amount to $1,017,841.12, being an increase over the receipts of 1842, of $77,627.43. An abstract of the receipts and expenditures, on the several lines exhibits the following result:

	Expenditures.	Receipts.
Main line, ...	$425,036 82	$857,212 94
Delaware division, ...	22,553 92	92,265 41
Susquehanna, North and West Branches, ...	59,226 80	62,206 06
Beaver, Shenango and French Creek, ...	15,410 82	6,156 71
	$522,228 36	$1,017,841 12
Deduct expenditures, ...		522,228 36
Excess of receipts over expenditures,.		$495,612 76
Deduct drawback on flour and pork, .		22,436 80
		$473,175 96
Add increase of stock on Columbia railroad, ...		9,481 38
Clear profit of all the works for 1843,..		$482,657 34

The increase and decrease of tolls on the different lines, as compared with 1842, were as follows:

	Decrease.	Increase.
Main line, ...		$94,263 46
Delaware division, ...	$2,193 67	
Susquehanna, North and West Branches, ...	13,906 08	
Beaver, Shenango and French Creek, ...	536 28	16,636 03
Increase in 1843, ...		$77,627 43

And, on the same lines, the excess of receipts over expenditures and all liabilities, is as follows:

Main line, ... $419,220 70

Delaware division, ...	69,711 49
Susquehanna, North and West Branches, ...	2,979 26
	$491,911 45
Beaver, Shenango and French Creek, excess of expenditures over receipts,	9,254 11
Total excess of receipts over expenditures, ...	$482,657 34

From these statements it appears that, with the exception of the small excess on the Susquehanna and North and West Branch divisions, the profits upon the year's business, have been derived from the main line and the Delaware division. The last named division has yielded a profit of five per cent. upon the cost of its construction, which, but for the loss of revenues sustained from the combination among the boatmen before referred to, and interruption from breaches, would have been increased to over seven per cent.

The Columbia and Philadelphia railroad exhibits a very gratifying result. The clear profits of the road over expenditures and liabilities the past year amount to $202,966.65—equal to about five per cent. on the original cost of the railway and the motive power department

In pursuance of the provisions of the Act of 7th March, 1843, a charter was issued, on the 16th day of June last, to "the Erie Canal Company." The company is vigorously prosecuting the work, and gives fair promise of its early completion. That portion of the division from the Ohio river to the town of New Castle, according to the terms of the charter, remains in the possession of the Commonwealth, until the completion of the whole line. A large portion of the expenditures on it during the year, was caused by repairs to the works since transferred.

It is evident from the foregoing abstracts, and from a review of the details contained in the Canal Commissioner's report, that the main line and Delaware division, can, at all times, be made resources of profitable revenue to the Commonwealth, by the exercise of a proper vigilance over the disbursements. Much has been done towards introducing a system of strict economy, and dispensing with officers, agents and laborers, whose services tend only to swell the amount of expenditures. If the system, thus begun, be carried out and perfected, all doubt must vanish as to the value of these two portions of the public works when considered as means of revenue.

To the more general introduction of section boats, in consequence of the State having purchased trucks for their conveyance over the two railroads, may be traced the principal cause of the increase of tolls and tonnage on the main line. The experiment has been fully tested to the satisfaction of the most sanguine friends of the system of individual competition in the carrying trade. These boats, during the past year have prevented combinations, reduced the price of freights, increased the amount of tolls and tonnage, and given to our main line a character for cheapness in transportation, which must make it the principal avenue to a market between the waters of the West and the Eastern Atlantic cities. A system of transportation which, in its incipient state, has been productive of such great benefits, and which is so closely identified with the prosperity of the improvements of the Commonwealth, is entitled to the fostering care of the Legislature. In 1843, the amount of tolls paid by section boats was $114,227.47; of which $16,651.65 was for the use of the State trucks. To give efficiency to the system; to meet the demands consequent upon the continued increase in the number of section boats; and to prevent vexatious delays at the railroad slips,

an increase in the number of trains of trucks has become absolutely necessary. As these additional trains will be required at the opening of the spring business, the expectation is entertained that an early appropriation will be made to that object. Such an appropriation will give an impetus to the spring trade, by giving an assurance of promptness in the delivery of produce, goods and merchandise; hold out inducements to further increase of section boats; place the system upon a permanent basis; and insure to the Commonwealth all the advantages which must necessarily result from this improved mode of transportation over our disjointed lines of canal and railroad. I would further recommend that the appropriation be made direct, and not payable out of the tolls for the use of the trucks, so as to enable the Canal Commissioners to make the purchase on more economical terms than can otherwise be done, and to free the rates of toll, and the method of keeping the accounts from their present complexity.

I will refer you to my message, returning, without the Executive sanction, a Bill entitled "An Act to authorize the Governor to incorporate the Pennsylvania canal and railroad company, from Philadelphia to Pittsburg," for my views in relation to the impolicy of selling or transferring the public improvements to private companies. I deem it, however, proper to add, that, although my own judgment on this subject is perfectly clear, yet, if a second Legislature deem it advisable to concur with the former in providing for this sale or transfer, I do not know that I will consider the duty incumbent on me of offering further resistance to this project; provided sufficient safeguards be established to protect the public against frauds and collusions in the sale, and to ensure a proper regard for the public interests, on the part of those into whose hands they are subsequently to be transferred.

No report has been made by the commissioners named in the Act entitled "An Act to authorize the Governor to incorporate the Delaware canal company," passed 13th April last: nor am I in possession of any official information in relation to the same.

On the subject of the banks I have little to recommend. My views in relation to the system have heretofore been very fully expressed, and do not now need reiteration. Most, if not all the solvent institutions have now resumed specie payments; and, taught by past experience, it is hoped they will so regulate their business, and circumscribe their liabilities within the bounds of prudence, that we shall not see a recurrence of the pecuniary embarrassments which have for some years past distressed the community. The gradual restoration of public and private confidence, will enable the solvent institutions of the State to furnish a currency as fast as required by the wants of the country, which will be redeemable in specie on demand.

As no bank charters will expire during the remainder of the present executive term, there will be no necessity for enacting laws for their renewal at present. The practice of renewing acts of incorporation long before the expiration of the existing charters, is manifestly wrong, even where it may eventually be considered proper to continue them. Under present circumstances, I think it would not be right to embarrass the administration of my successor, by prematurely legislating upon subjects that will belong to that period of the administration of the government. The situation of the country and its business certainly does not require the granting of any new bank charters. Believing that the evils of banking are corrected by the good sense of the community, I congratulate the Legislature upon the prospect of being relieved from the immediate consideration of the subject for the present session at least.

The report of the Superintendent of Common Schools, will exhibit their condition in detail. Every thing calculated to advance the interest of this most important of all our public institutions, cannot be too strongly commended to your attention. The vital interests of religion, morality, and civil liberty itself, are dependent upon the cherishing aid and enlightened support imparted to our common schools and higher seminaries of learning. Here must be implanted the seeds of virtue, of intelligence, and of all that confers distinction upon our citizens.

The report of the Adjutant General will be laid before you. I took occasion in my annual message of 1840, to say that "our militia system is a tax, to a considerable amount, upon the State Treasury, which might be considerably lessened if the Adjutant General were charged with the duty of personally superintending the system in its details, and properly compensated therefor." In every annual message since, I have urged the importance of some attention to this subject. The office of Adjutant General has been filled for several years by a gentleman of great practical knowledge and experience, who has devoted much time and attention to the discharge of its duties; and it has been a matter of regret that his suggestions have not had the weight with the Legislature, to which they were so justly entitled. By the legislation of the last few years, one description of persons after another has been exempted from the payment of fines, until the amount received at the Treasury, during the past year, falls short of the expenses the sum of $42,448.59. This state of things is so palpably wrong, that nothing more is required than to bring the facts to your notice, to ensure an early correction of the evil.

Pennsylvania has a force of upwards of thirty-five thousand volunteers, that will compare with any troops in this or any other country. I cannot too ear-

nestly recommend them to the fostering care of the Legislature.

Under the Act of the 24th March last, entitled "An Act to create permanently the office of State Printer," Isaac G. M'Kinley, and Hutter and Bigler have claimed to be State Printers; the former to do the English, and the latter to do the German printing of the Commonwealth. The language of the Act of Assembly, seemed to me to render the validity of this election doubtful, and I caused the question to be submitted to the Attorney General, whose opinion on the subject is herewith transmitted to the Legislature. I concurred with him, and accordingly declined to approve the bonds tendered, informing the parties that the whole matter would be submitted to the early attention of the Legislature. Had the parties interested reason to complain of the course pursued by the Executive, they might have applied to the Supreme Court, during its session in Harrisburg, for a writ of mandamus, directing the Governor to approve their bonds, which was a mere ministerial duty, unless he could show some legal reason for his refusal. I was at all times ready to have met this issue before that tribunal, and have at on time entertained a doubt of the result, or propriety of my course.

In addition to the legal argument presented by the Attorney General, which I regard as unanswerable, there are some other circumstances connected with that election, which make it peculiarly necessary that they should be brought to your most serious consideration. The election was postponed from time to time, the 27th day of March, the third day after the passage of the law, and on which, according to its provisions, it should have taken place, to the 15th day of April, on which, according to the certificate presented to me, it was made. During this interval of time, and before the day on which the election was consummated.

I have been informed, and have good reason to believe, that negotiations were entered into and completed between the said Isaac G. M'Kinley, Hutter & Bigler, and other persons, supposed to have influence with members of the Legislature, by which large sums of money were paid or contracted to be paid, by the individuals elected, to these third persons, for their aid and influence in procuring their election. In some instances, as I have been assured, the sums paid, or contracted to be paid, depended upon the number of votes procured by the contracting parties for the successful candidates; and thus was exhibited a scene of scandalous bargaining and selling, alike disgraceful to the parties concerned, and dangerous to the purity of elections. It is not to be presumed that this scheme of office purchasing was known to any member of the Legislature; for, if it had been, the parties concerned would, I have no doubt, been exposed, and consequently defeated. As this transaction more immediately concerns the purity and honor of the Legislature itself, I need only call your attention to these circumstances, and have no doubt you will feel it to be your duty to institute a thorough investigation into the frauds thus practiced upon the Legislature, to procure an election. Should the facts, upon examination, be found to be, as I have the strongest reason to think they are, can it be, that a single member of the Legislature will recognize the validity of an election thus procured? Let it be known that candidates can resort to such measures to accomplish their purposes, and there is an end to all confidence and respect for our Legislatures. It is one of the elementary principles of every enlightened system of jurisprudence, that fraud vitiates every contract into which it enters; and, in every stage of completion, these contracts are arrested as soon as the fraud is discovered. There can be no fraudulent practice more odious than one like

this, striking at the purity of legislation, and I am confident the representatives of the people will apply a thorough corrective, the instant they are made acquainted with the facts.

No inconvenience has arisen thus far, nor detriment to the public interest, from my refusal to approve the bonds offered by the individuals claiming to have been elected. The portion of the law, therefore, pointing out the mode of electing State Printers, not having been complied with, the matter rests with you to make such provision on this subject, as you believe the public welfare requires. The frauds practiced upon the public by some of those persons entrusted with the public printing, the last few years, are too palpable and notorious to pass unnoticed, and whatever measures the Legislature may think proper to adopt, will, I trust, provide security against their recurrence.

It is no disparagement to her sister States to assume, that Pennsylvania, in her geographical position, and in her mineral and agricultural resources, is surpassed by none in the Union. Her population, for hardy and effective industry, presents a model worthy of all praise; and this industry, devoted to a constant development of her vast mineral wealth, cannot fail, in good time, to produce the most astonishing results.

There is hardly a mountain or valley within her borders, that does not abound in deposites of coal or iron. Our canals and railroads penetrate almost every one of these mineral regions, and furnish them with a cheap and ready highway to market.

If those entrusted with the guardianship of the public welfare, but true to their trust, the day is not far distant, when Pennsylvania must become the great workshop of the American Union, for the production of coal and iron, and the fabrics constructed from these materials. If these great interests are surrendered to some imaginary, theoretic, Arcadian scheme of free

trade, we may still continue to serve as hewers of wood and drawers of water to foreign capitalists and artizans, and our incalculable mineral deposites may lie useless for ages. I trust, however, the people of this Commonwealth will never be seduced into a sacrifice of their dearest rights.

The policy of standing by her own interests, has been, for the last half century, too deeply fixed in Pennsylvania, to be abandoned without a struggle; and those of her public servants who would advise the surrender of any of her staple productions, without the fostering succor of the government, will soon find on how mistaken an estimate of popular feeling they have relied. It is idle to talk of reciprocity of trade, when England will not receive our flour under a prohibitory duty of less than three dollars per barrel, for us to receive her coal and iron free, or nearly so, of duty.

Free trade and reciprocity of duty, like the golden rule, are beautiful and benign in theory, and, if universally carried out in practice, would render mankind better and more acceptable to their Maker; but, unhappily, this obligation is voluntary, and is assumed only by the less crafty and grasping of men and nations who are used for their own ends by the rest. This fundamental truth is taught by all history, and was familiar to our fathers. Come what may, we cannot desert the standard of Pennsylvania; and I, for one, have battled under it too long to see it struck without a manly effort to uphold it. If we are true to ourselves, and those who come after us but do their duty without shrinking, Pennsylvania will soon be placed in her true position.

Our agriculturists, manufacturers, mechanics, and every class of our citizens, are alike interested in a steadfast adherence to the policy of protecting and encouraging our own peculiar State productions; for

on this policy rests our hopes of future greatness and independence. A permanent home consumption is, after all, the only market on which our farmers and other producers can always depend for a steady demand for their commodities, without the fluctuations of price that will ever attend foreign markets. It will afford me great pleasure to co-operate with you, in giving the most effective support to it, both in our domestic and national legislation, so far as may be compatible with our duty.

I am not aware of any other subject that requires to be specially brought to your notice, although there are a number of minor importance, referred to in my former messages, on which no legislative action has been taken. I have discharged my duty by submitting them to the consideration of the representatives of the people, and shall be ready, at all times, to unite with them in the adoption of such measures in relation to them, and other matters, as are deemed conducive to the public good.

DAVID R. PORTER.

Executive Chamber, Harrisburg, January 3, 1844.

To the Senate Vetoing "An Act Relative to Trucks for the Transportation of Section Boats, and for Other Purposes."

I HEREWITH RETURN TO THE SENATE, IN which it originated, the Bill, entitled "An Act relative to trucks for the transportation of section boats, and for other purposes," which was presented to me on the last day of the last session of the General Assembly.

The business upon the main line of the improvements of Pennsylvania during the past year has fully

established the fact, that the system of transportation by section boats, is the one best adapted to the mixed character of our line of communication. Creating, as it does, individual competition in the carrying trade, breaking up combinations, and doing away with the expense of frequent transhipments, it has attracted and must necessarily continue to attract, to our improvements, by its tendency to restrict freights to fair prices, a large amount of produce and merchandize, which, under the old monopoly system of transportation, would be compelled to seek a market through other channels. A system which has produced results so beneficial to the public treasury, and which is so strictly in harmony with the genius of our free institutions, by enabling all classes of citizens to avail themselves of the benefits of a business, the profits of which have hitherto been restricted to a wealthy few, deserves at least the fostering care of the government. To break it down, or to retard its progress, by the imposition of onerous or unequal tolls, would be an act detrimental alike to the public revenues and to the interests of the community at large.

The Bill which has been presented for my approval, raises the rates of toll upon section boats using the State trucks, to nearly double the amount of those levied by the Board of Canal Commissioners, and paid during the past year. If any inequality exists in the present scale of tolls which operates to the advantage of section boats over burthen cars, the error will, no doubt, be corrected as soon as such inequality is made manifest. It is not always practicable to fix at once a rate of tolls which will operate equally upon rival modes of transportation. Time and experience are required to perfect the system and to place it upon just and equitable principles. There has been no design to give section boats any undue advantage over burthen cars. The trucks upon the railroads are

thrown open to all who may desire to use them; and the tolls were fixed at the period of the adoption of the system at such rates as it was supposed would do equal and exact justice to all persons pursuing the business of transportation upon our public works. How far that supposition has been realized will be seen by the annual report of the Canal Commissioners, to which the Legislature is respectfully referred for further information upon this subject. It appears by the reports of the several collectors that the amount of tolls paid by section boats transported over the Allegheny Portage and the Philadelphia and Columbia railroads is much greater than would have been paid upon the same quantity of produce and merchandize transported in burthen cars. Besides paying tolls equal to those imposed upon burthen cars, the section boats have yielded a revenue to be applied to the payment of the cost of their construction. It is therefore a matter for serious consideration, whether the provisions of this Bill, by fixing so high a scale of tolls would not defeat the intention of the Legislature in directing the purchase of trucks, by driving every section boat from the public works, and thereby destroying the beneficial results which have been derived from the introduction of individual competition into the carrying trade. Such, it is believed, would be the effect of the Bill if it were to become a law. As the results of the experiment of introducing section boats during the past year will be laid before you, the lights which they furnish will enable the Legislature, or the Canal Commissioners, to correct any error which may be found to exist in the present rates of tolls, and to secure to all classes of transporters their just and equal rights.

There is another feature in the Bill which seems to admit of strong objections. By the Act of the 1st of July, 1842, the Canal Commissioners were authorized to purchase and place upon the Philadelphia and

Columbia and the Allegheny Portage railroads, such a number of trucks for the transportation of section boats, as they might deem necessary to secure to all classes of citizens, a fair and free competition in the carrying trade upon the main line of the public improvements, and to establish such rates and charges for the use of said trucks, as they might deem just and equitable; the revenue to be derived therefrom to be appropriated to defray the expenses of carrying out the provisions of the Act.

In pursuance of the discretionary power vested in them by this Act, the Canal Commissioners established such rates and charges for the use of the trucks as they deemed just and equitable. They likewise entered into contract for the construction of a number of setts of trucks, pledging the revenues accruing from the use thereof, to the payment of the cost of their construction. The contractors complied with the terms of their contracts, relying upon the faith of the Commonwealth to redeem her part of the engagement. The Bill now under consideration makes no provision for the payment of these contractors; but fixes the rates of toll so high as to induce the belief that the trucks would be abandoned, and consequently no revenue could be derived from their use. If such were to be the effect of the Bill, it would be a virtual infringement of existing contracts, entered into under authority of law; and it seems to me to be no more than an act of common justice, that before any material alteration, affecting these contracts is made in the law of 1842, the public faith should be preserved by making the necessary provision for the payment of the debts now due to the contractors.

For these reasons I have withheld my sanction to the passage of the Bill, leaving the subject to the further consideration of the Legislature.

DAVID R. PORTER.

Executive Chamber, January 4th, 1844.

To the Senate Vetoing a Resolution Relative to Certain Classes of Boats Passing the Out-let Locks at Columbia."

I RETURN TO THE SENATE, IN WHICH IT originated, the Resolution entitled "Resolution relative to certain classes of boats passing the out-let locks at Columbia," conformable to the twenty-third section of the first article of the Constitution, with my objections.

The Resolution was presented to me on the 17th day of April last, and on the next day the Legislature adjourned sine die, without time being allowed sufficient for its examination.

Special legislation upon the subject of tolls can rarely, if ever, be resorted to with beneficial effects to the general interests, either of the Commonwealth or her citizens. At the commencement of our system of internal improvements, the power of regulating the rates of toll to be charged upon produce, merchandize, boats, cars, &c., transported over the several lines of canal and railroad, was wisely lodged with the Board of Canal Commissioners; and experience has proven the sound policy of leaving the Board free to act upon that important subject untrammelled by legislative enactments. From the peculiar character of the duties of the Canal Commissioners, and from their various means of obtaining correct information as to the proper rates of toll to be levied, they must be presumed to be fully competent to guard the interests of the Commonwealth, by so fixing the rates of toll as to produce the largest amount of revenue, without making those rates onerous to the shipper or transporter. If on the contrary the tolls should be fixed by law, the Board would possess no power to change or alter them, for the purpose of meeting the fluctuations of trade, or to counteract the competition of rival

channels of communication. Injury to the interests, both of the public, and of individuals who have invested their capital in the business of transportation, would necessarily be the result of the adoption of such a system, because during nearly a whole season of navigation, the Legislature would not be in session, so as to apply an immediate remedy for an evil existing in a law of its own enactment.

The Resolution which has been presented for my signature, instructs the Canal Commissioners to reduce the lockage charged upon all boats navigating the Pennsylvania canal, passing the out-let locks at Columbia, whose starting point or destination is Columbia or Wrightsville, to the same sum as was exacted for passing said locks previous to the construction of the Susquehanna and Tide Water canal.

It will be observed, that the reduction directed by the Resolution, applies only to the boats navigating the Pennsylvania canal. The citizens residing below the eastern termination of the canal, who do a local business with Columbia, or forward their produce to Philadelphia by the Columbia and Philadelphia railroad, are excluded from the benefits of the reduction, and would consequently be subject to the present charge for passing through the out-let locks.

The toll at the out-let lock is only an item in the aggregate of tolls paid for the privilege of using the canal. During the past year the tolls on boats and their cargoes have been materially reduced; and the policy of a still further reduction, as is contemplated by the Resolution, can only be determined by a careful examination of the business of the year, after the close of the navigable season. Up to the period of the adoption of the rates of toll, which it is now proposed to reduce, the out-let locks at Columbia were a continual source of expense to the Commonwealth. The revenue derived from their use, fell far short of

paying the interest on the cost of their construction, and the charges for repairs and attendance.

The only effect of the passage of the Resolution into a law, would be a large decrease in the revenue, caused not only by the reduction at the locks referred to, but by the diversion of business from that important portion of the public works, the Philadelphia and Columbia railroad, to the works of private corporations, leading out of the State.

In the present embarrassed condition of the finances of the Commonwealth, I cannot consent to the reduction of the resources of the Treasury, especially when that reduction is mainly to enhance the interest of rival works, at the expense of the people of Pennsylvania. I am therefore constrained to withhold my approval of the Resolution presented to me; and have directed, with these, my objections.

DAVID R. PORTER.

Executive Chamber, January 4, 1844.

To the Senate Vetoing "An Act to Enable the Governor to Incorporate a Company for Making an Artificial Road from Milesburg, in Centre County, to Sanderson's Mill, in Clinton County."

I HEREWITH RETURN TO THE SENATE IN which it originated, the Bill entitled "An Act to enable the Governor to incorporate a company, for making an artificial road from Milesburg, in Centre county, to Sanderson's mill, in Clinton county," which was presented to me at the very close of the last session of the General Assembly, with my reasons for not signing the same.

My objections apply to the third section, which is in these words:

"That from and after the passage of this Act, the office of quarantine master, for the port of Philadelphia, shall be abolished; and the duties heretofore performed by the quarantine master shall hereafter be performed by the steward of the lazaretto, who shall be allowed such compensation as a majority of the members of the board of health may agree and determine upon; not, however, to exceed in the aggregate, the sum of eight hundred dollars per annum."

Were the office, which this section proposes to abolish, one of less importance to the community, and of less general interest, the necessity of this interposition of my opinion might be avoided. The present system of laws regulating the health of the port of Philadelphia, bear the date of a past century; have continued in operation from that period to the present, with such slight modifications and additions, as experience suggested; and have proved of incalculable benefit, in protecting that city from the infectious diseases of foreign climates. To derange a system which has proved so beneficial in practice, by destroying altogether one of its principal offices; or what is equivalent by transferring to another, the duties of that office, and thus impairing its energy and capacity for usefulness, by the imposition of double duties; would seem to be a mode of dealing with human health and human life, warranted only by a stern necessity, or a clear expression of the popular will.

By reference to former legislative acts upon this subject, it will be found that the office of quarantine master, itself, has existed for a period of more than thirty-seven years, without undergoing any material alterations in its character. Respecting its importance, there will be no difference of opinion among those acquainted with its duties, as prescribed by law. This length of time might be deemed sufficient to test the utility of the office, and to expose to view, any evils

of which, under the present laws, it may be productive. If any such evils have been pointed out; if any objections have been urged against its continuance; any reasons offered for the contemplated change; any dissatisfaction expressed with its administration; or any desire manifested for its abolition, by any portion of the community, however small, I have yet to be made acquainted with the facts. The only expressions of opinion on the subject, that have reached me, are contained in letters written by the lazaretto physician, and members of the board of health, deprecating the passage of the Bill, as fraught with "hazardous and disastrous consequences to the health of the said port, and without promising any corresponding good." That the opportunities possessed by these gentlemen, for judging of the proprietary of the measure, are ample; and that their opinions are entitled to our highest respect, will, I imagine, not be questioned. To pass a law of so important a character, without any popular movement in its favor, or any prospect of advantage flowing from it, is, to say the least, not usual; to pass it in opposition to the only expression of the public voice that has been heard, and with every prospect of it producing inconvenience and harm, is a still more rare occurrence.

If a change of the system now in force, were even desirable, I am of opinion that the one proposed is not the best that could be adopted. The steward, to whom, by this Bill, the duties of quarantine master are transferred, is not an officer contemplated by law. We search in vain through former Acts of Assembly, for the mention of the word. The regularly elected members of the board of health, their president, secretary and treasurer, are the only officers who have a legal existence under the health laws. Whether or not there is such an officer as the steward, the Legislature has no knowledge; there may be, and there may not

be; there may be one, and there may be a score; there may be one to-day, and an additional number to-morrow. Whenever the necessity of destroying the office of quarantine master, transferring its powers, and blending them with those of any other officer, shall be demonstrated from the practicable operations of the system—for as yet that necessity is not apparent to my own mind—it would seem best that the office to which such transfer is made, should be one contemplated by law, of whose existence we may be certain and of whose permanence we may have a reasonable assurance.

There remains another objection of equal force. If the office of steward were established by law, and therefore permanent, it would seem to be a step of but ordinary prudence, before passing this Bill, to provide some mode in which the duties of that office should henceforth be discharged. The quarantine master is compelled by law to be present on all occasions, with the physician of the lazaretto, in his examination of vessels; without that presence the latter is powerless. The practical effect of this provision is that the quarantine master is not unfrequently compelled to be absent from the lazaretto, during the greater portion of the day. On the other hand, the constant attendance of the steward is required at the public hospitals, in superintending the grounds, and buildings, and in supplying the wants, and alleviating the sufferings of the sick. How it would be possible for the same individual to perform duties, at once so responsible and so onerous, as well as so entirely distinct from each other, is difficult to conjecture.

I regret that these objections should prevent me from concurring with the Legislature in the passage of the Bill.

DAVID R. PORTER.

Executive Chamber, 4th January, 1844.

To the Senate Concerning Certain Reports Requested by that Body.

Gentlemen:

I HAVE THE HONOR TO ACKNOWLEDGE THE receipt of the resolution of the Senate, requesting me to transmit to that body the "annual reports, or copies thereof, provided for in the eighth section of the Act, entitled 'An Act to create permanently the office of State Printer, passed 24th March, 1843.'"

The section of the Act to which the resolution of the Senate refers, makes it imperative upon the Governor to deliver the reports therein specified, to the printers who may be elected under its provisions. The reasons why that duty has not been performed, were fully stated in my last annual message.

The Senate will therefore perceive that I cannot comply with its requests, without violating a positive provision of the Act regulating the disposition of these reports.

But if this legal impediment were not in the way, it would be impossible for me to comply with the request of the Senate.

The House of Representatives has called upon me for these same reports. To furnish the Senate with copies of documents of so voluminous a character, would require a large amount of labor. The Executive cannot be expected to perform that labor himself, and the law makes no provision for allowing him a clerk.

It will at all times give me great pleasure to accede to the requests of the representatives of the people, but the resolution of the Senate asks me to violate that which I conceive to be a plain provision of an existing law. My inability to comply with its request, will therefore be apparent to the Senate.

DAVID R. PORTER.

Executive Chamber, January 12, 1844.

To the Assembly Concerning Certain Frauds in Procuring the Election of State Printer.

I WAS YESTERDAY SERVED WITH A PROcess, in the nature of a subpœna, requiring me to appear and testify before a joint committee of the Senate and House of Representatives, to whom had been referred so much of my annual messages as relates to the election of State Printer.

In answer, I think it due to the Legislature, to say, that, in my annual message recently transmitted, I stated that I had been informed, and had good reason to believe, that certain frauds had been committed in procuring that election; and that large sums of money were paid, or contracted to be paid, by the individuals elected, to third persons, for their aid and influence in procuring that election. I communicated that information under what I believed to be a proper sense of my official obligations, as the Executive of the Commonwealth, and under the most solemn conviction that the public interest demanded a fair and impartial investigation of the matter. Since the appointment of your committee, I received a notice from the Chairman, informing me of the time and place of their meeting, and requesting me to state my knowledge in relation to the matter submitted to them. In answer to which, I transmitted to them the following list of witnesses for examination, whose testimony I believed would establish all the facts alleged to have connexion with the subject, to wit:

Theo. Fenn,	E. P. Hughes,
Robert P. M'Clay,	Jos. W. Cake,
P. C. Sedgwick,	John B. Bratton,
E. W. Hutter,	Thaddeus Stevens,
Samuel Bigler,	Collin M'Curdy,
Jacob Foreman,	I. G. M'Kinley,
Simon Cameron,	J. M. G. Lescure,

At the same time informing them that Thomas L. Wilson, Esquire, would appear before them for the purpose of interrogating the witnesses, that the facts might be fully elicited.

On the evening of the same day, I was called on by two gentlemen of the committee, who informed me that they were authorized to request me to attend, to testify, &c. In reply to which, I stated that I had furnished the committee with a list of the names of witnesses, who, if examined, would, I believed, substantiate all that I had communicated to the Legislature on that subject; and that, until those witnesses had been examined, I had no other communication to make to the Legislature, or its committee in relation to the matter.

Having made these communications, first to the Legislature, and afterwards, to the committee, it is scarcely necessary to add more. But, to guard against misapprehension, it may be proper to say, that I have no personal knowledge of any fact material to the investigation, nor is it to be expected that I should have. My communications were based entirely upon information derived from such sources as I believed to be authentic, and fully to justify the course pursued. I have furnished the committee with all the information I then possessed, to enable them to arrive at the facts.

If the object of this subpoena be, to compel a disclosure of confidential communications, made to me as the Executive, and to expose my informants to the malice or vengeance of the persons accused, and thus to close up all channels of information where like offences may be, in future, committed, that purpose cannot be accomplished by my agency or acquiescence. If it be the purpose of the committee, or either branch of the Legislature, to usurp judicial functions, and, under the form of judicial process, to invade the rights

of the Executive, the indignity shall not be perpetrated with the consent of the present incumbent. In the distribution of the powers of government, the Constitution has given the law making power to the Legislature– the judicial power to the courts—the executive power to the Governor. They are co ordinate departments—neither is subordinate to the other. They were intended by the framers of the Constitution to be preserved distinct; and the liberties of the people can only be perpetuated by confining each within its own appropriate sphere. I have studiously avoided, at all times, every thing that might wear the appearance of invading the sanctuary of the Legislature. I claim no power to appoint committees to investigate the course or conduct of its members, or to send writs of subpoena or attachment into your halls, to compel the appearance of members before me, to interrogate them on the subject of their official duties. But I shall feel it to be incumbent upon me to resist, with the most fixed determination, every attempt to encroach upon the Executive authority entrusted to me by the people. While in my hands, it shall never be subjected to the exercise of any such power by a co ordinate department, not possessing judicial authority. In the ordinary case of a private individual, served with a subpoena, it will be right and proper for him to appear before the tribunal issuing the writ, in order to state the necessary facts on which his privilege rested. But that is not this case. In all intercourse between the different departments of government, the comity supposed to exist, requires that communications, made under the sanctity of official obligations, should, at all times, be received as of equal verity with statements made under oath by a witness. The Legislature and the committee are, therefore, properly possessed of the facts, communicated under the responsibilities of my official station,

that I know nothing, of my own knowledge, material to the subject to which the subpœna refers; and that I have already communicated all the information, in my possession, necessary to a full investigation of the charges made.

The witnesses that I have named, I am informed, and have reason to believe, will prove most conclusively, the precise sums of money paid, or contracted to be paid, by the persons claiming the election, to several individuals, amounting, in the whole, to several thousand dollars, for procuring their election—nay, further, they will produce the written obligations given in several instances for the payment of money—obligations which, in some instances, have been transferred to third persons, and are ready to be produced and exhibited by those witnesses. Their testimony, I solemnly believe, will fully substantiate what I have stated in my communications on the subject. If, under these circumstances, the committee should refuse to examine the witnesses at all, and the Legislature deem the subject not of sufficient importance to require their attention, they certainly have now entire control of the subject, and, it is presumed, will do that which to justice and right belongs. For myself, I am consoled with the conviction that I have done all that my duty requires; and I am too much engaged, in the exercise of my public duties, to give any further attention to a subject that is now committed to the care of the Legislature.

In my annual message, I communicated to the Legislature, information upon several other subjects, which, it appears by your published journals, has been referred to as many separate committees. Should these committees take the same view of their powers as the joint committee of investigation have done, and determine to attempt to drag the Executive before them as a witness to testify to matters which he has

communicated in the mode pointed out by the Constitution, it is evident that, if submitted to, the public interests must suffer by so unnecessary an interruption in the discharge of his official duties. During a whole session of the Legislature, the attention of the Executive might thus, by the whim or caprice of a committee or committees, be drawn from the Constitutional business of his department; and the government, during that period, be, in fact, deprived of one of its co-ordinate branches. The inevitable tendency of this kind of usurpation would be to swallow up and destroy the other branches of the government, and to consolidate the whole in the Legislature.

Entertaining the sentiments which I have thus expressed, I deem it proper respectfully to declare that the Constitutional position which I have assumed, will be maintained.

DAVID R. PORTER.

Executive Department, Harrisburg, January 16th, 1844.

To the Assembly Concerning a Certain Trial for Murder in Cambria County.

Gentlemen:

PURSUANT TO THE SECOND SECTION OF AN Act, entitled "An Act concerning a certain trial for murder in Cambria county," passed the fifth day of April, 1843, the President Judge of the Court of Oyer and Terminer of said county, certified the facts to the President Judge of the fourth judicial district, as appears by the letter of said judge hereto annexed.

The President Judge of the fourth judicial district, however, declines holding said court for said purpose, for reasons contained in his letter hereto annexed.

A warrant had been issued, directed to the sheriff of Cambria county, for the execution of the sentence

of the law in said case; but in consequence of the action of the Legislature, a supersedeas was by me issued immediately after the passage of the Act of Assembly, and the criminals still remain under sentence of death, in the jail of said county. I have thought it to be my duty, as well from the importance of the subject, as from a proper respect to the Legislature, to suspend further action until the will of the present Legislature shall be known in relation to the matter; and have directed that all documents connected with the case, be transmitted to the House of Representatives. I have no recommendation to make on the subject. If, however, the Legislature should adjourn without taking further action on the subject, I presume it will become the duty of the Executive to give the necessary order for the execution of the sentence of the law.

DAVID R. PORTER.

Executive Chamber, January 16th, 1844.

To the Senate Nominating Associate Judges of the Courts of Common Pleas for the Several Counties Named.

Gentlemen:

DURING THE RECESS, COMMISSIONS WERE granted by me to the following named persons, for the offices of Associate Judge, for the counties respectively annexed to their names. I now nominate them to the same, to wit:

On the 2d November, 1843:

James L. Gillis and Isaac Horton, for the county of Elk.

On the 15th November, 1843:

Asa Packer and Jacob Dinkey, for the county of Carbon.

On the 18th November, 1843:

Levi G. Clover, for the county of Jefferson, in the room of James L. Gillis, resigned.

On the 8th December, 1843:

George Blattenberger, for the county of Perry.

DAVID R. PORTER.

Executive Chamber, January 17, 1844.

To the Assembly Giving Notice of the Enactment of an "Act Regulating Election Districts through the Expiration of the Time for their Return by the Governor, and Making Certain Criticisms upon it."

THE BILL, ENTITLED "AN ACT REGULATING election districts," having been presented to me on the day on which the last Legislature adjourned, time was not allowed me for its examination and return to that Legislature. The whole subject of the Bill, is one of detail, and the adjustment of it would seem to be peculiarly the province of the Legislature. There are several inaccuracies, however, in the Bill, the result, no doubt, of the hurry and confusion too often attendant upon the business of legislation, on the eve of a long and arduous session. I have received several letters and other communications, remonstrating against several provisions of the Bill, which have induced me to believe that the subject is a fit one for re-examination and correction of the present Legislature, coming, as its members do, fresh

from the people, and fully competent to reconcile any differences of opinion among their constituents, in relation to its several provisions.

For these reasons, I return the Bill to the House of Representatives, in which it originated, without my signature.

DAVID R. PORTER.

Executive Chamber, January 4, 1844.

To the Senate Nominating John Cunningham to be an Associate Judge of the Court of Common Pleas for Indiana County.

Gentlemen:

DURING THE RECESS, A COMMISSION WAS granted by me to John Cunningham, for the office of Associate Judge for the county of Indiana, in the room of Meek Kelly, deceased. I now nominate him to the said office.

DAVID R. PORTER.

Executive Chamber, January 26, 1844.

To the Senate Nominating Associate Judges of the Courts of Common Pleas for the Several Counties Named.

Gentlemen:

I NOMINATE JAMES KENNEDY, TO BE AN Associate Judge, in and for the county of Northampton, in the room of Samuel Yohe, whose commission expired on the fourteenth day of January last past; and Thomas Jones, to be an Associate Judge, in

and for the county of Chester, whose present commission will expire on the nineteenth instant.

DAVID R. PORTER.

Executive Chamber, February 2, 1844.

To the Assembly Concerning the Claimants of a Reward Offered for the Apprehension of Certain Incendiaries.

Gentlemen:

IN THE MONTH OF SEPTEMBER, 1842, I RECEIVED authentic information that some malicious and evil disposed person, or persons, had communicated fire to some of the bridges erected and owned by the Reading railroad company, on their road, in the counties of Philadelphia and Montgomery, by which two of those bridges had been totally destroyed; and that efforts made by police officers and others to arrest the incendiary or incendiaries, and bring them to punishment, had prove unavailing. I thereupon, in pursuance of the constitutional power vested in me, did, on the first day of October, 1842, issue a proclamation, offering a suitable and reasonable reward to any person or persons who should discover and apprehend each or either of said incendiaries, and lodge each or either of them in the jail of any county of this Commonwealth, to be paid on the conviction of the perpetrator or perpetrators of the offences above stated.

Several persons were arrested and indicted for the offence, three of whom were subsequently convicted in the court of Montgomery county, as principal and accessories.

Applications were made to me for the reward in December, 1842, and in June, 1843, on the part of four individuals. The applications were, however, rejected,

on the ground that the prisoner for whose arrest they claimed the reward, was apprehended previous to the issuing of the proclamation.

Among the papers transmitted to the House of Representatives, are the names of several persons who claim a compensation under the proclamation, for the arrest and conviction of the perpetrators.

I have thought it proper to submit the whole matter to the Legislature, so that justice may be done to the claimants; and that they may receive, if entitled to compensation for their services, a due and proper share of such reward, as you may direct.

DAVID R. PORTER.

Executive Chamber, February 6, 1844.

To the Senate Nominating Associate Judges of the Courts of Common Pleas for the Several Counties Named.

Executive Chamber,
Harrisburg, March 14, 1844.

Gentlemen:

I NOMINATE THE FOLLOWING NAMED PERsons to be Associate Judges for the counties respectively annexed to their names, to wit:

John Merwine, for the county of Monroe.

Jacob Dillinger, for the county of Lehigh.

Samuel A. Smith, for the county of Bucks.

DAVID R. PORTER.

Proclamation of the Election of Cornelius Darragh as a Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by the return made by the Judges of a Special Election held in the twenty-first Congressional district of this Commonwealth composed of the County of Allegheny, on Friday the fifteenth day of March instant, under the authority of

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DOCUMENTS RELATING TO THE PROCLAMATION.

Pennsylvania, ss:

In the Name and by the Authority of the Commonwealth of Pennsylvania,
DAVID R. PORTER, Governor of the said Commonwealth:

To Elijah Troville, Sheriff of the County of Allegheny,

Sends Greeting:

WHEREAS, a Vacancy has happened in the representation of this State in the House of Representatives in the United States in consequence of the resignation of William Wilkins, Esq., elected a member of the twenty-eighth Congress from the twenty-first district, composed of the County of Allegheny,

Now therefore, In pursuance of the provisions in such case made by the Constitution, and an Act of the General Assembly of this Commonwealth, passed the second day of July, A. D. eighteen hundred and thirty-nine, I David R. Porter, being vested with the Executive Authority of the State of Pennsylvania, have issued this writ, hereby commanding you the said Elijah Troville, Sheriff as aforesaid to hold an election in the said County of Allegheny, composing the twenty-first Congressional district as aforesaid, on Friday, the fifteenth day of March next ensuing the date hereof for choosing a representative of this Commonwealth in the House of Representatives of the United States to fill the vacancy which has happened as aforesaid. And you are hereby required and enjoined to hold and conduct the said election, and make a return thereof in the manner and form as by law is directed and required.

Given under my Hand and the Great Seal of the State at Harrisburg, this twentieth day of February, one thousand eight hundred and forty-four, and of the Commonwealth the sixty-eighth.

By the Governor:

CHAS. McCLURE,
Secretary of the Commonwealth.

an Act of the General Assembly passed on the second day of July, A. D. 1839, it appears that Cornelius Darragh was duly elected to serve as a Representative of this State in the House of Representatives in the twenty-eighth Congress of the United States to supply the vacancy occasioned by the resignation of the Hon. William Wilkins.

And whereas, in and by the forty-second section of the Act before recited, it is made the duty of the Governor, on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by Proclamation the name of the person elected,

Now therefore I have issued this Proclamation hereby publishing and declaring that the said Cornelius Darragh is duly elected and chosen in the district before mentioned as a Representative of this State in the House of Representatives in the Congress of the United States in the room of Hon. William Wilkins, who had been elected a member of the twenty-eighth Congress.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-first day of March, in the year of our Lord one thousand eight hundred and forty-four, and of the Commonwealth the sixty-eighth.

By the Governor:

Chas. McClure,

Secretary of the Commonwealth.

To the Senate Nominating Joseph B. Anthony to be President Judge of the Eighth Judicial District.

Executive Chamber,
March 21, 1844.

Gentlemen:

I NOMINATE JOSEPH B. ANTHONY, OF LYcoming county, to be President Judge of the eighth district, to supply the place of the Honorable Charles G. Donnel, deceased.

DAVID R. PORTER.

To the Senate Vetoing "An Act Relating to the Streets, Roads and Alleys, in the Borough of Norristown, and the Improvements of the Same."

"Gentlemen:

I RETURN TO THE SENATE, IN WHICH IT originated, the Bill, entitled "An act relating to the streets, roads and alleys, in the borough of Norristown, and the improvements of the same," without the Executive sanction, for the following reasons:

The ninth section declares that "from and after the fourth day of July next, it shall not be lawful for the Philadelphia, Germantown and Norristown railroad company to keep, maintain or continue their railroad on Washington street, in the borough of Norristown, between the south-east side of Mill street and Stoney creek," and requires the said company to take up and remove the said road.

By the act passed 17th February, A. D., 1831, for the incorporation of this company, they were authorized to fix such route as they shall deem expedient for said railroad, beginning at Stoney creek, in the borough of Norristown, &c., to the city of Philadelphia.

On the 1st of October, 1833, the town council of the borough of Norristown, as will be seen by an extract from their minutes hereto appended, having obtained the consent of the property owners on Washington street, passed a resolution granting the company full permission to construct their road through that street. And by the second section of an act passed 8th February, 1834, this resolution and permission of the town council, is ratified and confirmed by the Legislature. Upon the faith of these several enactments, large sums of money have been expended in purchasing ground and constructing their railroad, with its extensive buildings and fixtures. For ten years, the possesion and enjoyment of the privileges, thus secured, have been uninterrupted.—The question now presents itself, whether the Legislature can legally take back or destroy the rights thus vested.

In considering this question, the cost of the present improvements, together with that to be incurred in erecting new buildings, adequate to the wants of the company, must be borne in mind. Another fact of increased importance may be mentioned. Under the act of Assembly of 20th March, 1833, the company have executed several mortgages upon their road to secure the payment of money borrowed to complete it, the interest upon which is payable out of the tolls received. Would it be just, by destroying a portion of the property, and, as a consequence, lessening the value of the remainder, thus to impair the security upon which these creditors have invested their money?

The act of incorporation provides that, if it shall appear that the provileges therein granted are injurious to the interests of the Commonwealth, the charter may, at any time, be altered or annulled. I have, however, not been informed of any injury occasioned to the Commonwealth, by the company, nor of any act on their part which is thought to render a

forfeiture of their charter proper. Nor have I learned that any enquiry has been instituted by the Legislature on the subject. In that event a different question would have been presented. As it is, I look upon this Bill as conflicting with an important constitutional provision, which every maxim of sound policy, and every principle of justice require us to vindicate and uphold. After the encouragement and inducement deliberately given by the Legislature to individuals, thus to expend their labor and invest their capital, the section, under consideration, would appear to me to be an invasion of their rights.

For these reasons I feel constrained, by a conscientious sense of duty, to return the Bill without my approval.

DAVID R. PORTER.

Executive Chamber, Harrisburg, April 11, 1844.

Proclamation of the Election of James Pollock as a Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

DOCUMENTS RELATING TO THE PROCLAMATION.

Pennsylvania, ss:

In the Name and by the Authority of the Commonwealth of Pennsylvania, DAVID R. PORTER, Governor of the said Commonwealth:

To Hugh Denly, Jr., Sheriff of the County of Lycoming, Esquire, Sends Greeting:

WHEREAS, a vacancy has happened in the representation of this State in the House of Representatives of the United States, in consequence of

A PROCLAMATION.

Whereas, by a return made by the judges of a special election held in the thirteenth Congressional district of this Commonwealth composed of the counties of Lycoming, Northumberland, Union and Clinton, on Friday the fifth day of April instant, under the authority of an Act of the General Assembly, passed the second day of July, A. D. 1839, it appears that James Pollock, Esquire, was duly elected to serve as a Representative of this State in the House of Representatives of the twenty-eighth Congress of the United States to supply the vacancy occasioned by the death of the Honorably Henry Frick.

And whereas in and by the 42d section of the Act before recited, it is made the duty of the Governor on the receipt of the returns of any special election by the Secretary of the Commonwealth to declare by Proclamation the name of the person elected.

Now therefore I have issued this Proclamation hereby publishing and declaring that the said James Pollock, Esquire, is duly elected and chosen in the Dis-

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the death of Henry Frick, Esquire, elected a member of the twenty-eighth Congress, from the thirteenth congressional district composed of the counties of Lycoming, Northumberland, Union and Clinton.

Now therefore, in pursuance of the provisions in such case made by the Constitution of the United States and an Act of the General Assembly of this Commonwealth passed the second day of July, A. D. 1839, I, David R. Porter, being vested with the executive authority of the State of Pennsylvania, have issued this writ hereby commanding you the said Hugh Donly, Jr., to hold an election in the said County of Lycoming, on Friday, the fifth day of April next for choosing a Representative of the Commonwealth in the House of Representatives of the United States to fill the vacancy which has happened as aforesaid: and you are hereby required and enjoined to hold and conduct the said election and make a return thereof in the manner and form as by law is directed and required.

Given under by Hand and the Great Seal of the State at Harrisburg, this sixth day of March, in the year of our Lord one thousand eight hundred and forty-four, and of the Commonwealth the sixty-eighth.

By the Governor:

CHAS. McCLURE,
Secretary of the Commonwealth.

Similar writs to the above were issued same day to Felix Maurer, Sheriff of the county of Northumberland; John M. Benfer, Sheriff of the county of Union, and John P. McElrath, Sheriff of the county of Clinton.

trict before mentioned, as a Representative of this State in the Congress of the United States in the room of the Honorable Henry Frick, deceased, who had been elected a member of the twenty eighth Congress.

Given under my hand and the Great Seal of the State at Harrisburg, this fifteenth day of April, in the year of our Lord one thousand eight hundred and forty-four, and of the Commonwealth the sixty eighth.

By the Governor:

Chas. McClure,

Secretary of the Commonwealth.

To the Assembly Transmitting a Document Relative to a Trial for Murder in Cambria County.

Executive Department,
Harrisburg, April 15, 1844.

Gentlemen:

I HEREWITH TRANSMIT A COPY OF A COMmunication from the Hon. John B. Gibson, Chief Justice of the Supreme Court of this Commonwealth, relative to the provisions of an act of the General Assembly, entitled "A supplement to the act concerning a certain trial for murder in Cambria county," approved the 4th of April, 1844. Emanating from a co-ordinate branch of government, in the exercise of its constitutional functions, this communication deserves the serious consideration of the Legislature. Involving, as this question does, the lives of two citizens of this Commonwealth, it is scarcely necessary for me to call your earliest attention to the subject.

DAVID R. PORTER.

DOCUMENT.

Philadelphia, April 13, 1844.

Dear Sir—The Secretary of the Commonwealth has transmitted to me a copy of the act, which requires a Judge of the Supreme Court to hold a special Court of Oyer and Terminer for a particular cause in Cambria county, in conjunction with the Associate Judges: and my brethren, with the exception of Judge Huston, who is too sick to attend to business, concur with me, that we are forbidden by the Constitution to execute the power attempted to be conferred. The reasons which have led us to this conclusion, and which we wish, through you, respectfully, to submit to the Legislature, are briefly these:

The Constitution, (Art. V., Sect. 5,) provides that the Judges of the Court of Common Pleas in each county, shall, by virtue of their offices, be Justices of Oyer and Terminer and General Jail Delivery, for the trial of capital and other offenders therein: and two of the said Judges, the President being one, shall be a quorum: but they shall not hold a court of Oyer and Terminer, when the Judges of the Supreme Court, or any of them shall be sitting in the same county. The party accused, as well as the Commonwealth, may, under such regulations as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the Supreme Court.

Now, the act proposes to constitute a Court of Oyer and Terminer, of which Judges of the Court of Common Pleas are to be a component part, the President not being one. This cannot constitutionally be done. The place of the President can no more be supplied by putting a Judge of the Supreme Court into it, than by putting the President Judge of a neighboring district into it.

Again: It is proposed that Judges of the Common Pleas shall hold a Court of Oyer and Terminer, while a Judge of the Supreme Court is sitting in the county for the same purpose. The provision that Judges of the Supreme Court, and Judges of the Common Pleas (though both Judges of Oyer and Terminer but by different commissions), shall not exercise their functions in the same place, and at the same time, conclusively shows, that they shall not exercise them in conjunction. The object was to put the benefit of the highest judicial authority and experience, within the reach of the Commonwealth and the accused reciprocally. But the benefit would be illusory, if the functions of the Supreme

Judges might be impeded or controlled by the functions of inferior judges more numerous, and therefore more powerful. Such a mixture of functions is unknown to the Constitution. It is not perceived that a Judge of the Supreme Court, and a Judge of the Common Pleas can sit together as Justices of Oyer and Terminer, by virtue of the authority emanating from distinct and discordant commissions. Their commissions do not make them judges of the same court, and the authority emanating from their commissions can have no greater effect. Is the court proposed to be constituted a superior or an inferior one? If the former, then are Judges of the Common Pleas to be Judges of the Supreme Court—if the latter, then is a Judge of the Supreme Court to be a judge of the Common Pleas. If the proposed court is to be the Supreme Court, then the proceedings cannot be removed into the Supreme Court, for they are there already; but without the benefit of revision by all the judges, the act would obliterate the distinction, so strongly marked between the superior and inferior courts.

Still further: By the fifteenth section of the bill of rights, it is declared that no commission of Oyer and Terminer shall be issued. The act in question, though not in form a commission of Oyer and Terminer, has all the effect of one, and it is therefore inconsistent with at least the intent of the Constitution, which meant to secure to the Commonwealth, as well as the accused, a trial by the ordinary tribunals, to the exclusion of special tribunals created for the trial of particular cases, it was supposed, with a view to produce a particular result. It is true, that the result in this instance could not prejudice the accused; but as these special tribunals have been used in other countries as instruments of oppression, it seems that the object was to exclude them for every purpose, whether of good or of evil. It is, indeed, provided by the first section of the fifth article, that the judicial power shall be vested in certain enumerated courts, "and in such other courts as the Legislature shall from time to time establish." But this has regard for courts established for general purposes, and to be held by judges commissioned for those purposes expressly. The only practical exception to this was the High Court of Errors and Appeals, composed of the Supreme Judges and Presidents of the Common Pleas; but the constitutionality of that court was strongly doubted, and it was speedily abolished.

These considerations persuade us that we are incompetent to execute the power proposed; and the more so, as the mat-

ter touches the lives of the accused. Should they happen to be executed under a sentence of the court of Huntingdon county, it might give rise to painful doubt, in the mind of every one who had acted under the statute of the legality of his interference. But there is no necessity to raise such a doubt—all that is required, is to direct a Judge of the Supreme Court to hold a Court of Oyer and Terminer to receive a certified copy of the record from the county court, and the motions being disposed of, to remit the record to the court of Huntingdon county for trial, or to the court of Cambria county for execution, as the case may require. Should the Legislature be pleased to direct such a course, it would be better to let the judge fix the day: for to detach a member of the court at present (one of the judges being sick, and another required for nisi prius duty), would not leave a quorum for duties in banc. The prothonotary of the Common Pleas ought to be authorized to act as clerk.

I have the honor to be, Sir,
Very respectfully, your ob't serv't,
JOHN B. GIBSON.

To the Senate Nominating James Thompson to be Judge of the District Court of the Counties of Erie, Crawford, Mercer, Venango and Warren.

Gentlemen:

I NOMINATE JAMES THOMPSON TO BE JUDGE of the District Court of the counties of Erie, Crawford, Mercer, Venango and Warren, to serve for one year, agreeably to the provisions of the act of the General Assembly of the twenty-fifth April, 1844, entitled "An Act for the removal of causes from the District Courts of the counties of Erie, Crawford, Mercer, Venango and Warren, to the Courts of Common Pleas."

DAVID R. PORTER.

Executive Chamber, Harrisburg, April 26, 1844.

To the Senate Vetoing the Bill Entitled "An Act Relative to the Surveyor General's Office."

Gentlemen:

I REGRET THAT I AM COMPELLED, BY A sense of duty, to return to the Senate, in which it originated, the Bill, entitled "An Act relative to the Surveyor General's Office," without my approval.

At this late stage of the session, with the large amount of business before me, it is impossible for me to do more than call your attention to a few of the most prominent objections to the Bill.

The Bill, passed at the last session of the Legislature, entitled "An Act to reduce the expenses of the government," contained a section abolishing the office of the Secretary of the Land Office, and devolving the duties of that officer upon the Surveyor General. In returning that Bill to the Legislature without my signature, I took occasion to point out some of the objections to the mode which it provided for transacting the business of the Land Department. These objections will be found on the Journal of the Senate, page 1106, to which I respectfully refer the Senate.

Imperfect as that Bill was, it was still less objectionable than the one now presented for my approval. This Bill provides, that "all patents and other papers heretofore signed by the Secretary of the Land Office, and countersigned by the Deputy Secretary of the Land Office," shall, after the 10th day of May, 1844, be signed by the Governor, and countersigned by the Surveyor General.

Now, as all applications, warrants, returns of surveys, &c., are filed in the office of the Secretary of the Land Office and Surveyor General, it is utterly impossible for the Executive to know whether the patents presented for his signature ought to be issued or not. Besides, there is a still more insuperable objection to this Bill, founded on there being no provi-

sion whatever for attaching any seal to the patent, or other paper, which the Executive is required to sign. I need not add that, without a seal, such patent, or other paper, would be void.

There is another reason why this bill should not become a law, which the Legislature has doubtless overlooked. There are now in the Surveyor General's Office, many hundreds of surveys, which cannot be accepted under existing laws, until a warrant of acceptance is issued by the Secretary of the Land Office. These are made up of surveys on locations entered under the regulations of the Land Office, in the years 1766 and 1767—surveys on certificates usually called "Blunston's Grants"—surveys made on the order of Secrtary Peters—surveys made on warrants to agree—surveys on actual settlement north and west of the Ohio and Allegheny rivers, &c.

Should either the Bill herewith returned become a law, or the law of last session remain in force, no patents can legally issue on any of the above named mentioned surveys. Thus, in addition to the great inconvenience resulting to the individuals holding these surveys, thusands of dollars would be kept out of the Treasury which would otherwise be received. Besides this, it is impossible to foresee the other difficulties that will arise, or the litigation to which it may lead.

I, therefore, urge upon the Legislature the necessity of adopting such a system as will prevent the evils to which I have alluded. A few dollars expense sinks into comparative insignificance, when compared with the interminable confusion and litigation which must inevitably grow out of this Bill, should it become a law.

It is neither my province, nor is it my desire to dictate to the Legislature the proper action upon the subject. But I would respectfully suggest, that the only feasible mode of dispensing with either of the

heads of the Land Department, and at the same time preserving the symmetry of the system, which has so long existed, is to issue commissions to one and the same individual, as Secretary of the Land Office and Surveyor General. In this way it is possible that a distinct organization of the two offices might be kept up. I am certain that this cannot be done, under either the law of last session or the Bill before me.

DAVID R. PORTER.

Executive Chamber, April 29, 1844.

Proclamation of the Election of Representatives of Pennsylvania in the United States Congress—1844.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas in and by an Act of the General Asesmbly of this Commonwealth passed the second day of July, A. D. 1839, entitled "An Act relating to the elections of this Commonwealth," it is made the duty of the Governor on the receipt of the returns of the election of members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by Proclamation the names

of the persons so returned as elected in the respective districts.

And whereas the returns of the General Election held on Tuesday the eighth day of October instant, in and for the several districts for members to serve in the House of Representatives of the Congress of the United States, for the term of two years from and after the fourth day of March next, have been received in the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited act, whereby it appears that in the first district composed of Southwark, Moyamensing and Passyunk, and Cedar Ward and New Market Ward of the City of Philadelphia, Lewis C. Levin has been duly elected. In the Second district composed of the City of Philadelphia, except Cedar Ward and New Market Ward, Joseph R. Ingersoll has been duly elected. In the Third district composed of the Northern Liberties and Spring Garden in the County of Philadelphia, John H. Campbell has been duly elected. In the fourth district composed of Kensington, North and South Pena, Roxborough, Germantown, Bristol, Unincorporated Northern Liberties, Oxford, Lower Dublin, Byberry and Moreland, Blockley, West Philadelphia, and Kingsessing, in the County of Philadelpia, Charles J. Ingersoll has been duly elected. In the fifth district composed of the counties of Delaware and Montgomery, Jacob S Yost has been duly elected. In the sixth district composed of the counties of Bucks and Lehigh, Jacob Erdman has been duly elected. In the seventh district composed of the County of Chester, Abraham R. McIlvain has been duly elected. In the eighth district composed of the county of Lancaster, John Strohm has been duly elected. In the ninth district composed of the county of Berks, John Ritter has been duly elected. In the tenth district composed of the

counties of Northampton, Carbon, Monroe, Pike and Wayne, Richard Brodhead has been duly elected. In the eleventh district composed of the counties of Luzerne, Columbia and Wyoming, Owen D. Leib has been duly elected. In the twelfth district composed of the counties of Bradford, Susquehanna and Tioga, David Wilmot has been duly elected. In the thirteenth district composed of the counties of Lycoming, Northumberland, Union and Clinton, James Pollock has been duly elected. In the fourteenth district composed of the counties of Dauphin, Lebanon and Schuylkill, Alexander Ramsey has been duly elected. In the fifteenth district composed of the counties of Adams and York, Moses McClean has been duly elected. In the sixteenth district composed of the counties of Cumberland, Perry and Franklin, James Black has been duly elected. In the seventeenth district composed of the counties of Centre, Huntingdon, Juniata and Mifflin, John Blanchard has been duly elected. In the eighteenth district composed of the counties of Greene, Fayette and Somerset, Andrew Stewart has been duly elected. In the nineteenth district composd of the counties of Westmoreland, Bedford and Cambria, Henry D. Foster has been duly elected. In the twentieth district composed of the counties of Washington and Beaver, John H. Ewing has been duly elected. In the twenty-first district composed of the county of Allegheny, Cornelius Darragh has been duly elected. In the twenty-second district composed of the counties of Venango, Mercer and Crawford, William S. Garvin has been duly elected. In the twenty-third district composed of the counties of Erie, Warren, McKean, Clarion, Potter and Jefferson, James Thompson has been duly elected. In the twenty-fourth district composed of the counties of Butler, Armstrong, Indiana and Clearfield, Joseph Buffington

has been duly elected. And that in the *twelfth district, composed of the counties of Bradford, Susquehanna and Tioga, as aforesaid, George Fuller has been elected to fill the vacancy caused by the death of Almon H. Read, Esq., who had been elected a member of the twenty-eighth Congress.

Now therefore I have issued this proclamation hereby publishing and declaring that Lewis C. Levin, Joseph R. Ingersoll, John H. Campbell, Charles J. Ingersoll, Jacob S. Yost, Jacob Erdman, Abraham R. McIlvain, John Strohm, John Ritter, Richard Brodhead, Owen D. Leib, David Wilmot, James Pollock, Alexander Ramsey, Moses McClean, James Black, John Blanchard, Andrew Stewart, Henry D. Foster, John H. Ewing, Cornelius Darragh, William S. Garvin, James Thompson and Joseph Buffington have been returned as duly elected in their several Congres-

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*DOCUMENT RELATING TO THE PROCLAMATION.

Pennsylvania, ss:

In the Name and by the Authority of the Commonwealth of Pennsylvania,
DAVID R. PORTER, Governor of the said Commonwealth:

To Thomas Johnson, Esquire, Sheriff of the County of Susquehanna,
Sends Greeting:

WHEREAS, a vacancy has happened in the representation of this State in the House of Representatives of the United States in consequence of the death of Almon H. Read, Esquire, a member of the twenty-eighth Congress, from the 12th Congressional district composed of the Counties of Bradford, Susquehanna and Tioga.

Now therefore, in pursuance of the provisions in such case made and provided by the Constitution of the United States and of the Act of the General Assembly of the Commonwealth, passed 2d July, 1839, I, David R. Porter, being vested with the Executive Authority of the State of Pennsylvania, have issued this writ hereby commanding you the said Thomas Johnson, Esquire, to hold an election in the said county of Susquehanna, on the second Tuesday (being the eighth day) of October next ensuing the date hereof, for choosing a representative of this Commonwealth in the House of Representatives of the United States to fill the vacancy which has happened as aforesaid: And you are hereby required and enjoined to hold and conduct the said election and make a return thereof in the manner and form as by law is directed and required.

Given under my hand and the Great Seal of the State at Harrisburg, this nineteenth day of August, in the year of our Lord one thousand eight hundred and forty-four, and of the Commonwealth the sixty-ninth.

By the Governor:

CHAS. McCLURE,
Secretary of the Commonwealth.

Similar writs to the foregoing were on the same day issued to Joseph W. Guerrsey, Esq., Sheriff of the County of Tioga, and to John N. Weston, Esq., Sheriff of the County of Bradford.

sional Districts before mentioned, as Representatives of the people of this State in the House of Representatives in the Congress of the United States for the term of two years to commence from and after the fourth day of March next; and that George Fuller has been elected to fill the vacancy before mentioned.

Given under my Hand and the Great Seal of the State at Harrisburg, this thirty-first day of October, in the year of our Lord one thousand eight hundred and forty-four, and of the Commonwealth the sixty-ninth.

By the Governor:

Chas. McClure,

Secretary of the Commonwealth.

Proclamation of the Election of Electors of the President and Vice President of the United States—1844.

Pennsylvania ss.

[Signed] David R. Porter.

IN THE NAME AND BY THE AUthority of the Commonwealth of Pennsylvania. By DAVID R. PORTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas it is provided in and by an Act of the General Assembly of this Commonwealth, entitled "An Act relating to the elections of this Commonwealth," passed on the Second day of July, A. D. 1839, that the Secretary of the Commonwealth

having received the returns of the votes given for the Electors of President and Vice President of the United States, shall lay the same before the Governor, who shall enumerate and ascertain the number of votes for each person voted for, and shall thereupon declare by Proclamation the names of the persons duly elected.

And Whereas it appears by the returns laid before me of the election for electors held on Friday the first day of November instant, that Wilson McCandless, Asa Dimock, George F. Lehman, Christian Kneass, William H. Smith, John Hill, Samuel E. Leech, Samuel Camp, Jesse Sharp, Nathaniel W. Sample, William Heidenreich, Conrad Shimer, Stephen Baldy, Jonah Brewster, George Schnabel, Nathaniel B. Eldred, William B. Irvine, James Woodburn, Hugh Montgomery, Isaac Ankeny, John Matthews, William Patterson, Andrew Burke, John M'Gill, Christian Myers, and Robert Orr are the persons for whom the greatest number of votes were given at the said election.

Now therefore, I have issued this proclamation hereby declaring that the said Wilson McCandless, Asa Dimock, George F. Lehman, Christian Kneass, William H. Smith, John Hill, Samuel E. Leech, Samuel Camp, Jesse Sharp, Nathaniel W. Sample, William Heidenreich, Conrad Shimer, Stephen Baldy, Jonah Brewster, George Schnabel, Nathaniel B. Eldred, William B. Irvine, James Woodburn, Hugh Montgomery, Isaac Ankeny, John Matthews, William Patterson, Andrew Burke, John M'Gill, Christian Myers, Robert Orr are the persons duly elected Electors of a President and Vice President of the United States, to serve at the election in that behalf to be held at the Seat of Government of this State (being the borough of Harrisburg, in the county of Dauphin), on the first Wednesday of December next, agreeably to the said Act of the General Assembly of this Commonwealth, and the Constitution and laws of the United States in such case made and provided.

Given under my Hand and the Great Seal of the State at Harrisburg, this thirteenth day of November, in the year of our Lord one thousand eight hundred and forty four, and of the Commonwealth the sixty-ninth.

By the Governor:

Chas. McClure,

Secretary of the Commonwealth.

Annual Message to the Assembly.—1845.

Fellow-Citizens:

THE TERM TO WHICH MY ELIGIBILITY, AS the Chief Executive officer of the commonwealth, is restricted by the constitution, being about to close, I submit to the Legislature, the last annual message which the duty of my station enjoins upon me. In the performance of this duty, I cannot refrain from invoking your devout acknowledgments, with my own, to the Great Author of All Good, for His constant care and guardianship over the interests and welfare of our beloved commonwealth. Upheld by His paternal arm, we have been rescued from the most distressing embarrassments and difficulties to which, in a time of peace, any people were ever subjected. Good has sprung out of evil—safety from danger—wisdom from folly—and justice from a spirit of ungenerous detraction. The clouds that for several years past, have hung upon our horizon, are breaking away; and the sunshine of prosperity once more begins to beam upon our path.

Within ten days after my induction into office, I felt myself called upon, by the highest considerations of duty, to communicate to the Legislature, a full and frank exposition of the state of our pecuniary affairs.

Upon a careful examination, it was ascertained that the amount of the public debt, including surplus revenue from the United States, was a little upwards of thirty millions of dollars, and the deficit in the Treasury during the year 1839, beyond the income from all sources, was about four millions of dollars. To meet this amount, immediate provision had to be made; and, to add to the perplexing embarrassments, the great commercial convulsion which has since reached its height, was then just beginning to be felt in its operation. For more than ten years immediately preceding that period, the state of Pennsylvania, from her well known punctuality and great natural resources, had experienced no difficulty in procuring upon loans, on favorable terms, any amount of money she needed, to extend and carry on her stupendous system of internal improvements. Both foreign and American capitalists were competitors for the acceptance of their loans; and there seemed to be no limits to her credit and resources, except those which her own discretion imposed. She made large loans for the undertaking and completion of her various lines of improvement, and paid the interest upon these loans by other loans. Stimulated by these facilities, and forgetting the day ever would arrive when her interest must be paid, not by loans, but by taxation, a system of improvements, by railroad and canal, was undertaken, far more comprehensive than her necessities required, and far beyond her means to complete. The same reckless spirit which actuated the government, had seized upon her private citizens, and induced them to engage in undertakings equally indiscreet and unattainable. Within a very few years immediately preceding the commencement of my administration, banks were created to an extent, and with capital, unheard of in this commonwealth at any former period. These banks, controlled by men moved by such impulses,

very speedily exploded, and, as every rational man ought to have foreseen, overwhelmed, in their downfall, the entire business of the community. Within about two years after I entered upon the discharge of the Executive functions, banks, the aggregate capital of which amounted to more than two-thirds of the entire banking capital of the state, and furnishing more than that proportion of its currency, were compelled to wind up their affairs; and, in doing so, not only extinguished this amount of the ostensible capital of the state, but crippled the remaining banks, compelled them to withhold facilities from the business men of the community, and, by forcing their debtors, constituting a large class of men engaged in various pursuits of life, to discharge their liabilities, almost crushed the large and flourishing class of business men in all parts of the commonwealth. To add still farther to these perplexing evils, the condition of the pecuniary affairs of Europe became almost as deeply embarrassed as our own; and foreign capitalists, who had sought for opportunities to make investments in this country, were induced to withhold their usual loans.

During a short period previous to my entering upon the duties of my office, our internal improvement system, confessedly incomplete, was very largely extended by making appropriations towards the construction of the North and West Branch and Erie extensions, Wiconisco canal, Allegheny feeder and Gettysburg railroad, besides guaranteeing the interest upon loans made to private companies, engaged in the construction of works leading into the improvements of the state. The amount which has been paid by the state for these and other improvements, which are wholly unproductive, is nearly nine millions of dollars.

The most strenuous exertions were required to obtain, during the first two years, a sufficient amount of

money to pay the interest upon the state debt, defray the current expenses of the government, and to pay off the large class of domestic creditors, naturally and justly clamoring for the discharge of their demands upon the state. Rigid economy was recommended and enforced in all the public expenditures. The extended lines of improvement, which might have been completed a few years earlier by loans, were suspended, in consequence of the inability of the state to raise the necessary funds; and finally the interest upon the public debt failed to be paid from the same cause, and the want of time requisite to mature a plan of taxation which would produce the necessary sum for that object. Not a single dollar has been appropriated or paid, under my administration, towards the commencement of any new work whatever. The state of affairs was such, at its outset, as to forbid any such undertaking, however meritorious in itself, and I have strictly adhered to this rule of conduct.

Shortly after I assumed the Executive duties of the state, I became satisfied that the procrastination of the evil day, when resort to taxation was demanded by the most imperative obligation of duty, could no longer be indulged. Painful as was the alternative, I felt how deeply the honor of the state was involved, and recommended the imposition of a tax, which should supply an adequate fund to discharge the interest on the public debt, committing the details to the Legislature. This recommendation I reiterated in the most earnest manner, and ultimately it received the sanction of the Legislature.

The assessment under the several laws, imposing a tax on real and personal property, and the amount paid into the Treasury, are as follows:

Amount of tax assessed for 1841, ...	$416,794 85
Amount of tax assessed for 1842, ...	659,512 47

Amount of tax assessed for 1843, ...	968,708 40	
Amount of tax assessed for 1844, about, ...	968,708 40	
Whole amount assessed for the past four years, ...		$3,013,724 12
Amount received in 1841,.	$33,292 77	
Amount received in 1842,.	486,635 85	
Amount received in 1843,.	553,911 38	
Amount received in 1844,.	751,210 01	
		$1,825,050 01
Leaving the amount of tax outstanding on the 1st of December last, ...		$1,188,674 11

Subject to exonerations, commissions, &c., which may be estimated at ten per cent. The balance, it is fair to presume will be made available the current year. Of the $751 210 paid into the Treasury during the past fiscal year, only $443,099.06 was received from the tax assessed for 1844, leaving outstanding, for that year alone, over $800,000. The receipts from this source, for the present year, may, therefore, be estimated at about $1,260,000.

The acts which have been passed upon this subject, and which are now in force, provide for the imposition of a tax, which, taking the valuation for 1843, of the real and personal property as a basis, will annually amount to the sum of $1,453,000. That valuation, it may be remarked, was considerably below that of 1842. If, therefore, the provisions of the act of 1844 be fairly carried into effect, in the valuation of property, and the collection and prompt payment of the tax, be enforced, the annual revenue hereafter to be derived from this source, will amount to at least

$1,500,000. This sum, with the other resources of the commonwealth, will be entirely adequate to furnish the necessary amount to discharge the interest upon the public debt, and thus ensure the fidelity of the state to her engagements.

Without expressing the opinion that the details of these laws are, in all their minute particulars, the most equal and just, in the objects selected for taxation, and the rates imposed, I will remark that they seem to be substantially conformable to public opinion. There is a defect in providing for the punctual enforcement of the laws imposing and collecting the taxes, and I beg leave to recommend to the consideration of the Legislature, the adoption of some more efficient mode of attaining this end. This might be done by inflicting penalties on the collectors, or other officers, found delinquent in the discharge of their duties. That class of individuals is as little entitled to indulgence or sympathy, as any others engaged in the execution of the laws.

The entire amount of the public debt at this time is:

Funded debt, 6 per cent. stocks, ...	$4,370,916 21	
Funded debt, 5 per cent. stocks, ...	34,721,534 46	
Funded debt, 4½ per cent. stocks, ...	200,000 00	
		$39,292,450 67
Loan (relief issue) per act of 4th May, 1841, bearing an interest of one per cent., ...	$1,175,000 000	
Loan (relief issue) per act of 4th May, 1841, bearing an interest of six per cent., ...	171,636 00	

Loan (relief issue) per act of 4th May, 1841, bearing an interest of five per cent., ...	91,542 00	
Amount in circulation, ...		$1,438,178 00
Balance due domestic creditors, on certificates issued by the Auditor General, ...		104,384 93
Amounting to the sum of, ...		$40,835,013 60

The increase in the state debt, since I assumed the duties of the Executive chair, may be properly understood, when it is stated, that the interest which has accrued thereon, since that period, amounts to, ... $10,362,186 00

The amount of interest guaranteed to private corporations, to, ...	144,340 00
And the amount of appropriations towards the completion of unfinished lines of public improvements, commenced prior to that time, to about.	4,500,000 00
Amounting to, ...	$15,006,526 00

The annual interest on the funded debt of the state, payable at the Bank of Pennsylvania, exclusive of interest on certificates issued for interest, is $1,747,030.12, falling due respectively on the first of February and August, of which the sum of $873,515.06 is payable on the first day of February next. If it should be determined to pay the interest on the interest certificates on the 1st of February, then the further sum of $97,880.84, will be required.

The receipts into the Treasury during the fiscal year, ending on the 30th November last, including a small available balance from the previous year were, ...	$2,511,237 03
The expenditures for the same period, including the amount of relief notes cancelled, were, ...	1,847,385 15
Leaving a balance in the Treasury on that day, of	$663,851 88
There was also an available balance in the Canal Treasury, on the same day, of	39,497 00
The receipts during the month of December, exclusive of disbursements, were, ...	139,681 23
To which may be added the receipts over expenditures, for the present month, estimated at, ...	120,000 00
Making the amount in the Treasury on 1st February, about, ...	$963,030 11

This balance embraces the sum of $50,000 of relief notes, which the State Treasurer withheld from cancellation on the 31st December, and which, if needed, may be applied by the Legislature to the payment of interest on the public debt. From the facts here presented, it is evident that the commonwealth will be prepared to meet her interest falling due on the 1st of February. Attempts, it is true, have been made to create doubts in the public mind in relation to the propriety of paying the interest on that day, lest there should be a deficiency in the Treasury, on the 1st of August. But it must be perfectly evident that the Treasury will be in ample funds, not only on the first of August next, but also on the first of February, 1845. And the very

fact that interest is paid on the first of February next, will increase the means and credit of the state to meet its interest in August, and afterwards, when it falls due. While, on the other hand, if when it is admitted that enough money to discharge the interest on the first of February, is in the Treasury, applicable to that object, and it is not so applied, we shall, with much appearance of justice, subject ourselves to the reproach of our traducers, as wilfully dishonest and regardless of the faith and honor of the State. With an exhausted treasury and tarnished credit, we could plead our necessities in extenuation of our violation of contracts; but what shadow of excuse could be offered when this necessity has ceased to exist? None, whatever, that good old fashioned integrity does not brand as disgraceful and unworthy our character as a sovereign state.

It must be gratifying to every Pennsylvanian to reflect that the credit of this great state, which has been, for upwards of two years, subjected to reproach, will thus be restored to the unsullied purity of character which, until this unavoidable reverse of fortune, she had steadfastly maintained. The claims of all her honest creditors will be punctually discharged, and the gross imputations which have been heaped upon her name wiped out; and the abiding confidence which we have ever felt in the disposition and ability of the state to comply with all her engagements, will be fully realized.

The report of the Canal Commissioners will present to you, in detail, the operations on the public improvements, for the past year. The tolls collected in 1844, amount to $1,167,603.42, being an increase over 1843 of $172,199.10. The collections for the year exceed the expenditures the sum of $629,658.82.

The report of the State Treasurer will explain, in detail, our financial condition. That officer estimates

the receipts at the Treasury, for the current fiscal year ending 30th of November, 1845, at ..		$3,005,000 00
To which add balance in Treasury, on 30th November last, .	$663,851 88	
Also, the amount in Canal Treasury, on the same day, ...	39,497 00	
		$703,348 88
Making a total of, ...		$3,708,348 88
He also estimates the expenditures of the commonwealth, for the same period, including interest on public debt, at		3,061,013 56
Leaving a balance in Treasury on 30th Nov., 1845, of, ...		$647,335 32

There is, therefore, no manner of doubt that, henceforth, the state will be able to meet not only the interest on her public debt, but all her other engagements of every description; the taxes now imposed by law (if their collection and payment into the Treasury be strictly enforced), and the proceeds of the public improvements, with other sources of revenue, constituting a fund amply sufficient for that purpose.

Recurring to the history of the past six years, what a satisfactory answer does it furnish to the objections of the enemies of republican government, against its stability and its honor. Oppressed by personal embarrassments—weighed down by public liabilities—reproached for not doing what the most manful struggles were unable to accomplish—the people of Pennsylvania have still borne themselves steadily in the darkest hour; have submitted to taxation, grievous at all times, and particularly so in convulsions of business, and have at last reached the solid footing which public integrity and public fidelity in the end

never fail to attain. The difficulties and embarrassments attending this struggle, will hardly be credited by those who have not shared them; and, I confess, it will ever be to me a source of proud satisfaction to compare the condition of the state, when the helm of government was put into my hands, with its condition when I surrender it into the hands of my successor. I say not this to reproach those who preceded, nor to diminish the just credit of those who succeed me; but as an act of sheer justice to all who embarked with me in the gloomy and perilous voyage we have run since the 15th of January, 1839. It can hardly be possible for such a season of trial ever to occur again; but if unhappily it should, I trust those who are called upon to encounter it, will find something in our example to cheer and animate them to persevere in the discharge of their duty.

Having thus disposed of the financial concerns of the state, for the last few years, a subject of the deepest solicitude, I shall proceed to submit to you but few special recommendations; for, at the present time, I deem it no more than an act of respectful courtesy to my successor, to leave entirely in his hands those recommendations of a general nature, which are usually expected to emanate from the Executive department. There are a few topics, however, upon which I feel it to be my duty to offer some suggestions for your consideration.

The unexampled commotion and disturbance that recently prevailed in the business concerns of the country, have, in a great degree, subsided, and left us in a state to survey the field of disaster with a calm and experienced eye. The throes and convulsions of the banking system, for a time, menaced all those institutions with speedy downfall, but most of them have now outrode the storm. No man could witness the existing state of things, without feeling

conscious that this system was essentially vicious, and needed effectual reform.

To make banks useful, without being dangerous—to correct the evils without depriving them of all power to do good—to restrain them within the proper sphere by rigid regulations—is an object at which I think all intelligent and honest legislation should aim. In this opinion, I presume, there will be no discordance whatever among well informed men.

Early in the month of May last, a series of the most alarming and sanguinary riots broke out in the district of Kensington, in the county of Philadelphia. On the origin of these riotous proceedings, I do not feel called upon to make any particular animadversions. It is enough to say, that a large amount of private property, dwelling houses and churches, were burnt and destroyed; and that a large number of valuable lives were sacrificed. To such an extent was the public safety endangered, that I was called upon by the proper authorities of the city and county of Philadelphia, for an adequate force to arrest and quell these disturbances. I immediately ordered a very considerable number of troops, from the adjoining districts, to repair to Philadelphia, and, by assuming a firm and determined position, peace and order were temporarily restored.

In the month of July, similar outrages again were committed in the district of Southwark, in the county of Philadelphia, and with similar painful and bloody results. I was again called upon to interfere, and a second time repaired to the city of Philadelphia, having made similar requisitions upon the volunteers of neighboring districts, and, by the adoption of similar proceedings, lawless outrage was again suppressed, and public tranquility, as I trust, thoroughly restored. On these occasions, the mob had procured fire-arms of nearly all descriptions, and used them

both against private citizens and against the military with deadly effect. I had the gratification to witness that the citizen soldiery, thus called, at an hour's warning, from their homes to the scene of bloody conflict, acted, in all emergencies, with a coolness, steadiness and courage worthy of veterans, and with a degree of forbearance, without shrinking from their duty, infinitely more to their honor. Officers and men all behaved in a manner entitled to the highest commendation. I refer you to the report of Major General Patterson, herewith transmitted, for the detailed operations of the military, on the occasions to which I have referred. It is due to these citizen soldiers, to make speedy and adequate remuneration for their services. I submit it to the Legislature to ascertain the time to be allowed them, and fix the amount they ought to receive; but I must urge upon its consideration, in the most earnest terms, the justice and propriety of their claims. Men who abandon their daily pursuits of life, leave their wives and children without protection or support, and peril their lives in the public service, either against foreign or domestic foes, are justly entitled to a liberal compensation from that public whose laws they have defended. The salutary lesson taught by the rigid, though considerate enforcement of the laws, by means of the military, and the firm and enlightened course pursued by the judicial tribunals and the officers in Philadelphia, entrusted with the duty of bringing offenders before them, will doubtless prevent a recurrence of these evils, and guarantee, hereafter, the peace and good order of that community.

Although the system of imprisonment adopted by Pennsylvania some years ago, at the establishment of her penitentiaries, has been justly regarded as the most admirable to be found among all nations, yet there is one department which remains to be provided

for, that of establishing, in connection with each of our state penitentiaries, a department for the charge of the insane inmates. There have been, almost every year, since I have been Governor of the commonwealth, some unfortunate persons confined in the penitentiary, of this description, who, either were partially insane when committed, or became so afterwards. As the law now stands, there is no remedy for these cases, but to pardon them, or confine them in the same manner as other criminals are confined. Both these modes are often times wrong, and I respectfully urge it upon your consideration to make some provision for redressing the evil in future.

The state debt now consists of thirty-seven distinct loans, for each of which a separate set of books must be kept in the loan office of the commonwealth. Constant divisions, sub-divisions, and transfers of stock, are taking place, and the whole system is becoming daily more laborious and complicated. I recommend an inquiry into the subject, and, if practicable, the consolidation of these loans into some uniform system.

The careless manner in which bills are transcribed, is a subject which calls for some remedy. It not unfrequently happens that the Executive is compelled to return bills to the comparing committes, for correction, before he can give them his approval.—Bills presented during the last hours of the session, and, as is usually the case, on the day after the adjournment, cannot undergo this correcting process, and are necessarily placed upon the statute book, with such errors as they may contain. It has likewise been discovered, after the publication of the laws, that whole sections which had passed both Houses, had been omitted in the transcribed bill, and sections inserted which had never received the sanction of the Legislature. I deem it only necessary to call your attention to this evil, without making any recommendation as to the proper remedy.

During the time I have been in office, no appropriations, have been made to furnish the Executive Chamber, in a manner which seems to me to be suitable to the character of the state. I have avoided calling the attention of the Legislature to this subject for obvious reasons; but a sense of delicacy no longer restrains me from pressing upon your attention the necessity of supplying the Executive Chamber with furniture and conveniences, a little less unbecoming than those that are found there at present.

The public grounds surrounding the Capitol, notwithstanding that considerable sums have been appropriated to improve and embellish them, are still in a condition not at all creditable to the capital of the state; and especially that portion, not enclosed, upon the southeast side of the Capitol, stands in need of improvement and care. This ground was a donation to the state by the respected founder of Harrisburg, and it is scarcely just to his memory to treat his munificence with such negligence.

The taste and self-respect of a people are strikingly exemplified in the structure of their public buildings, and in the embellishments surrounding them. If strangers were to adopt this as a criterion by which to estimate the character of the citizens of Pennsylvania, we should have little cause to be proud of the judgment they would form of us. I beg leave to recommend that a suitable appropriation be made to render our public grounds somewhat more worthy the character of the people of the state.

The unfortunate destruction of the bridge of the Cumberland Valley railroad company, over the Susquehanna, at Harrisburg, by fire, has, in a great measure, cut off the trade and business which that valuable tributary to our public improvements supplied. The state holds in that company, stock to the amount of $70,000. The original cost of the bridge was $124,-

000; and it will probably cost $90,000 to rebuild it on the most approved plan. The condition of the company is such as to forbid the hope of its being able to raise the whole of the funds necessary to re-construct it. Many of the numerous bridges erected over that river, have been, from time to time, destroyed by floods and otherwise, and I believe that the Legislature, in every instance, has thought it right and proper to assist in their re-construction. I would, therefore, recommend the subject to the favorable consideration of the Legislature, and urge the propriety of making a reasonable appropriation to aid the company in this undertaking.

The annual report of the Superintendent of Common Schools, will acquaint you with the progress and condition of these institutions, during the year, together with his views respecting the improvement of the school system, and the means to be adopted for that purpose. It is highly essential to the success of our system of education, that the appropriation from the state should be fixed and permanent. Uncertainty in this respect is attended with deleterious consequences, and productive of derangement in the practical operations of the system. Whatever is calculated to promote the cause of popular education, is worthy your most serious and earnest attention. On it depends, in an eminent degree, the honor of our commonwealth, the distinction and happiness of her citizens, and the perfection and perpetuity of our political institutions.

The report of the Adjutant General will be submitted to you, and will exhibit particulars in relation to the militia system. During the last session of the Legislature, an act was passed to reduce the expenses of the militia system and provide a more rigid mode for the collection of militia fines. The provisions of this act are found to be highly beneficial in their op-

eration, and, it is believed, will enable the system to sustain itself without having recourse, as heretofore, to the Treasury of the state for aid. The amount of fines assessed the last year, for non-performance of militia duty, is more than sufficient to defray the expenses for the same time. The brief period from the enactment of the law, until the collectors were required to accomplish their duties under it, was not sufficient for them to complete their collections. The outstanding fines of the past year, however, may be collected with those of the present, and thus a sum obtained sufficient to meet the expense of both.

I cannot too strongly recommend to your care and encouragement, the volunteer troops of our commonwealth. They will lose nothing when compared with the troops of this or any other country. Their courage and efficiency as soldiers have been tested and established, and they have deservedly become favorites with the people. In cases of exigency, we must chiefly depend upon them to protect from injury and destruction our individual property, our national honor, and our political liberties.

Under the provisions of the act of 29th April, 1844, entitled "An Act to reduce the state debt, and to incorporate the Pennsylvania Canal and Railroad Company," the question of a sale of the main line of improvements, submitted to a vote of the people at the election in October last, was decided in the affirmative. The requisite notice was given by the Secretary of the Commonwealth to the commissioners named in the act, and they have proceeded to far in the performance of their duties as to advertise that the sale of the stock of the proposed company will commence, in the city of Philadelphia, on the 20th of January, instant. The time has, therefore, not yet arrived when the practicability of disposing of these improvements, on the terms specified in the law, will be tested. I

am not aware that any legislative proceedings on this subject are called for at the present time.

The proceedings of the commissioners named in the act of the 13th April, 1844, entitled "An Act to authorize the Governor to incorporate the Delaware Canal Company," will appear from a report accompanying this message, setting forth their inability to dispose of the stock. It will be for the Legislature to determine what further action, if any, on this subject, is necessary.

In my last annual message I informed the Legislature that in pursuance of the act of the 7th March, 1843, a charter had been issued to the Erie canal company, and possession given to it of that portion of the public improvements from the town of New Castle to the harbor of Erie. On the 18th December last, the necessary proof having been laid before me, that the work had been completed, and was in actual use for the transportation of merchandize throughout its whole length, I directed, in conformity with the terms of the act, notice to be given to the superintendent of the line, to deliver the company possession of the Beaver division, from the mouth of the Beaver river to New Castle.

The District Court of the city and county of Philadelphia, exercising a jurisdiction in all civil demands above the sum of one hundred dollars, will expire during the present session of the Legislature, by a limitation contained in the act creating it. This court, on which, from the nature of its jurisdiction, it necessarily devolves to determine the majority of the more important cases arising in that judicial district, has been laboriously engaged in the discharge of its duties, for a space of nearly ten years. The manner in which these duties have been performed, besides securing the confidence of the bar and the community, would seem to have produced the very general impression that

this tribunal is indispensable to a due administration of the law in that city and county. I would, therefore, respectfully recommend the passage of an act continuing the court in its present form, and securing to it, in every proper manner, the services of faithful and able judges.

Fortunately for the Legislature and the people, the subject of the public printing, for a long time a topic of just complaint of the unreasonable amount expended for that purpose, was put to rest during the last session, by allotting it to the lowest bidders, after the just precaution of exacting security for its faithful execution. The parties to whom it was given, fixed their own rates of compensation, and have no doubt made ample provision against all hazard of loss; and we may, therefore, hope that this item of the public expenditure will not be swelled to its usual alarming amount, by demands for extra compensation.

Before I conclude this communication, I will call your attention to a subject in which I believe the state of Pennsylvania has a deeper stake than in any other now pending, or likely to be brought, either before her own Legislature or the Legislature of the Union. I refer to the maintenance, in all substantial points, of the existing revenue laws of the Union, more generally known as the tariff laws. The great variety and complexity of interests in the different quarters of the Union, render the adjustment of any tariff system, an extremely difficult and delicate undertaking. Could the people of every section of the Union, survey the entire circle of national interests, with a perfectly cool and unprejudiced eye, this difficulty and delicacy would almost entirely vanish. But while certain sections of the Union are wedded to certain notions, without regard to their foundation in reason and in truth, it will be almost impossible to expect from any body of men, assembled in Congress, a perfectly free and

unprejudiced examination of this exciting question. We must deal with men and things, as we find them, and not as we would desire to have them. In a conflict where prejudice and self-interest bias the judgment, it behooves the representatives of every section, while they yield a due regard to the claims of others, to stand firmly by their own. I have, from year to year, in addressing communications to the Legislature, referred to this subject, not so much for the purpose of inducing action in the National Legislature, as to keep before the citizens of this commonwealth, to familiarize it in their minds, and to prepare them to unite in maintaining their own interests, whenever those interests might be endangered. I was assailed when I first took this high ground in defence of the welfare of Pennsylvania, from various quarters, and denounced for advacating doctrines to which the majority of the people of this state were asserted to be opposed; but, regardless of these idle and futile assaults, I have reiterated the same sentiments, and have the satisfaction of knowing that, in the recent presidential election, in which the tariff was believed to be involved, both political parties, nearly to a man, assumed the same positions I had taken, and advocated the same doctrines which I had endeavored to enforce upon the consideration of the Legislature. I advert to this matter now, not so much to justify myself, as to prove, whatever has been alleged to the contrary, that there is but one party on this question, in Pennsylvania, and that party is nearly the entire mass of her citizens. I hazard nothing in asserting that neither of the presidential candidates could have hoped, for a moment, to get a majority of the votes in this state, had not his claims been based upon the assurance that he was friendly to the continuance of the present tariff laws, substantially as they stand.

The iron and coal interests in this state, great as

they have been considered to be, are yet in their infancy. Deposits of these minerals, scattered throughout almost every hill and valley in the commonwealth, are exhaustless, and are so peculiarly distributed, in all quarters, as to create a direct interest on the part of nearly every citizen, in the development and encouragement of every system of policy which can render them available. The owners of the lands in which they are embedded—the agriculturists who furnish the workmen their supplies—the merchants, mechanics and artizans of all descriptions—look to these resources ultimately, as the great fountain from which state and individual prosperity must be derived. Here, it is believed, must be founded and sustained the great counterpoise to foreign importations of all species of iron, raw and manufactured, with which the whole American people are to be supplied. Here, too, is to be found a deposite of fuel for the family use of the poor, as well as for the more extensive use in the manufacturing purposes of the rich. Possessing such advantages, how can any rational man consent to relinquish and forego them, to gratify the caprices of those who certainly mistake their own, and are incapable of appreciating the interests of others? We seek no unreasonable prohibitions—we ask not the protection of the government at the expense of the rights of our sister states; but we do ask, and we think we have a right to ask, that the system of encouraging and protecting the domestic interests of this country, the corner stone of which was laid in the act of Congress of 1st June, 1789, should not be abandoned without some more substantial reason than the empty notions of visionary theorists. We believe that the tariff law of 1842, now in force, making reasonable allowance for inaccuracy and inconsistency in its minute details, is founded in a spirit of compromise and

fair dealing, equally just to the great national interests of the different sections of the Union. To disturb it now, except to correct its minor details, is to unsettle the whole system, to weaken its stability, and to destroy the confidence, at home and abroad, in the wisdom and consistency of the National Government, and to break down, now and forever, all hope of competing with foreign rivalry in the interests to which this law extends some cherishing protection. The great interests of Pennsylvania do not ask for additional protection, or for new safe-guards: but, small as the discriminations are in their behalf, to let them remain as they are, with a certainty that they shall not be changed without substantial reasons, and the concurrence of the citizens of Pennsylvania.

There seems to be a disposition among some members of the National Legislature to interfere with this subject, and I think the present, a proper occasion for the Legislature of Pennsylvania to speak out in decided terms, and announce to those who represent the people of this great commonwealth in the councils of the nation, what course it is expected by their constituents they will pursue. If the issue is to be distinctly made between the coal and iron interests of Pennsylvania, and those of foreign nations, the sooner it is known the better; and I trust, whenever such an issue is to be determined, every citizen of Pennsylvania, whether in office or out of office, will be found on the side of his country. For my own part, in such an emergency, I shall not hesitate in resolving to take my stand on the same side where I have always been found, whenever this subject has been agitated.

It will afford me pleasure during the few remaining days of my administration, to co-operate with you in the adoption of any measures, which we mutually believe to be conducive to the public good. I do not

doubt that we shall fully harmonize in opinion on this subject.

I have had frequent occasion to employ the veto power entrusted to the Executive, by the constitution, to arrest the success of measures which appeared to me fraught with evil; but, I have, on no occasion, resorted to this great power of preservation, until all other hope of rescue had failed. In such emergencies, I have appealed to it, without scruple or reservation, and I have yet to learn, that the acts defeated by its operation, have been regretted by the people. Confederacies to thwart Executive recommendations; combinations to promote particular personal or political interests, have, it is true, clamored loudly against Executive tyranny, and imputed motives to me, which existed only in the imaginations of those whose objects were frustrated; but the vast body of the enlightened community has looked on, not only without murmuring, but with unequivocal commendation. I find abundant reason to be satisfied in this manifestation of popular opinion.

I retire from the cares and solicitude of office, with feelings of no ordinary satisfaction, and with a heart grateful to the honest and intelligent yeomanry of my native state, for the cordial and undeviating support which they have given me, in the midst of the worst difficulties it has been my fortune to encounter. On this support, I have steadfastly relied, as the guarantee that, come what might, Pennsylvania would speedily regain the confidence she had lost—prove to the world, the falsity of the reproach heaped on her integrity, and rise with renewed vigor, to run her race, from the temporary depression that had borne her down. My confidence has been realized; the day of her redemption is at hand, and every true hearted Pennsylvanian must rejoice, to see her proud escutcheon purified from the only stain that had ever defaced

it since the landing of her founder upon the shores of the Delaware.

DAVID R. PORTER.

Executive Chamber, Harrisburg, January 8, 1845.

To the Senate Giving Notice of the Appointment of Thomas Burnside to be an Associate Justice of the Supreme Court of Pennsylvania.

Executive Chamber,
Harrisburg, January 8th, 1845.

Gentlemen:

ON THE SECOND INSTANT I APPOINTED AND commissioned Thomas Burnside to be an Associate Justice of the Supreme Court of this Commonwealth. I now nominate him to the Senate.

DAVID R. PORTER.

To the Senate Giving Notice of the Appointment of Certain Public Officers.

Executive Chamber,
Harrisburg, January 8th, 1845.

Gentlemen:

DURING THE RECESS, THE FOLLOWING named persons were appointed and commissioned to the offices set opposite to their names. I now nominate them to the Senate, viz:

August 29, 1844—Andrew Arnold, to be an Associate Judge of the Court of Common Pleas for the county of Armstrong.

September 18th, 1844—Hopewell Hepburn to be Assistant Judge of the District Court for the county of Allegheny.

October 23, 1844—Luther Kidder to be President Judge of the 21st judicial district, composed of the counties of Schuylkill, Carbon and Monroe.

November 27, 1844—David M. Bull, to be an Associate Judge of the Court of Common Pleas for the county of Bradford, in the room of Abraham Goodwin, removed from the county.

DAVID R. PORTER.

To the Assembly Transmitting a Request from the Secretary of War for the Session of Jurisdiction over Certain Land near Pittsburg to the United States.

Executive Chamber,
Harrisburg, January 9th, 1845.

Gentlemen:

I TRANSMIT, HEREWITH, a communication from the Secretary of War, relative to ceding jurisdiction to the United States over three pieces of land, purchased for the United States arsenal, near Pittsburg, since the passage of the act of the General Assembly of the 19th March, 1816.

DAVID R. PORTER.

DOCUMENTS.

War Department,
Washington, November 30, 1844.

To His Excellency the Governor, &c., of the State of Pennsylvania:

Sir—In pursuance of a joint resolution of Congress, approved 11th September, 1841, I have to request that you will take such steps as may seem to you most proper, to obtain an act of your state, ceding jurisdiction to the United States over three small pieces of land, purchased for the United States arsenal, near Pittsburg, since the passage of your state act

of 19th March, 1816; the purchase thus made having afterwards become necessary in order more fully to perfect that establishment.

I have the honor to enclose a sketch of an act, which it is thought, will embrace the object in view.

With high respect, I am sir,
Your obedient servant,

WM. WILKINS,
Secretary of War.

To the Senate Nominating Percipher Lemon to be an Associate Judge of the Court of Common Pleas for Wyoming County.

Executive Chamber,
Harrisburg, January 11th, 1845.

Gentlemen:

DURING THE RECESS, I APPOINTED AND commissioned Percipher Lemon to be an associate judge of the county of Wyoming. I now nominate him to the Senate.

DAVID R. PORTER.

To the Assembly Concerning the Bridge over the Kiskiminetas River at Warren.

Gentlemen:

BY THE ACT PASSED THE 15TH DAY OF March last, entitled "An Act to authorize the incorporation of a company to erect a bridge over the Kiskiminetas river, at or near Warren, Armstrong county," certain persons therein named were

appointed commissioners, to perform the duties named in the said act. The second section of the said act provides: "that as soon as fifty shares of stock shall be subscribed, and five dollars paid on each share to the said commissioners, they or a majority of them shall certify the same, together with a list of the subscribers, to the Governor, who shall constitute the said subscribers a body corporate," &c.

A misunderstanding having occurred between the commissioners, conflicting reports were made by them, accompanied with the depositions of two of the commissioners, and petitions signed by a number of the citizens of Armstrong and Westmoreland counties, representing that the report of the majority of the commissioners does not contain the names of the original subscribers of stock, and that it was made with a view to defeat the object of the act.

Under these circumstances, supposing that further legislation may be necessary to do justice to those concerned, I withheld the letters patent, and have transmitted to the House of Representatives the reports of the commissioners, together with the depositions and petitions in relation to them.

DAVID R. PORTER.

Executive Chamber, January 11th, 1845.

To the Assembly Transmitting Certain Documents Relating to the Erie Canal.

Executive Chamber, January 10, 1845.

Gentlemen:

IN REPLY TO THE RESOLUTION OF THE SENate of the 9th inst., requesting me to communicate to that body the proof that was laid before me on the 18th of December last, of the completion of the Erie canal, from New Castle to Erie, I transmit here-

with a letter from the president of the Erie canal company a copy of a resolution passed by that company, appointing a committee to receive possession of the Beaver division—the affidavits of Captains Jacob Drum and J. Armstrong, setting forth, that they had passed through the whole length of the Erie extension with their boats laden with merchandize—a letter from John Mitchell, supervisor, and David Boies, collector of the Beaver division—together with letters from several gentlemen, relative to the completion of the Erie extension.

DAVID R. PORTER.

To the Senate Nominating Certain Persons to be Associate Judges of the Courts of Common Pleas for the Several Counties Named.

Executive Chamber, January 14, 1845.

Gentlemen:

I NOMINATE JOHN P. DAVIS, TO BE AN ASSOciate judge for the county of Crawford, in the room of Stephen Barlow, resigned; and

Jacob Huntzinger, to be an associate judge for the county of Schuylkill, in the room of George Rahn, resigned.

DAVID R. PORTER.

To the Senate Nominating David Krause to be President Judge of the Seventh Judicial District.

Executive Chamber,
Harrisburg, January 16th, 1845.

Gentlemen:

I NOMINATE DAVID KRAUSE, OF DAUPHIN county, to be president judge of the seventh judicial district, composed of the counties of Bucks and Montgomery, in the room of Thomas Burnside, resigned.

DAVID R. PORTER.

To the Senate Conveying Certain Information Relating to Expenditures on an Asylum for the Insane.

Executive Chamber, January 20, 1845.

Gentlemen:

IN REPLY TO THE RESOLUTION OF THE SENate of the 16th inst., requesting the Governor to inform that body what amount of money has been borrowed and paid under his warrants by virtue of "An Act to establish an asylum for the insane of this commonwealth," &c., I have to state that on the 21st July, 1841, John K. Kane, Geo. Rundle and John W. Ashmead were appointed commissioners under the said act; who severally gave bonds in the sum of eighty thousand dollars each. The surety of Mr. Kane is Robert Taylor, the surety of Mr. Rundle is Wm. Griffiths, and the surety of John W. Ashmead is T. A. Raybold.

Mr. Kane resigned on the 26th November, 1841, Mr. Rundle on the 16th October, 1844, and Mr. Ashmead on the 18th instant.

On the 10th November, 1841, proposals were issued

for a loan of $120,000, for the purposes designated in the act, but no bids were received. The commissioners having purchased a site and incurred other expenses, (and there being no funds to meet these expenditures, in consequence of the loan not being taken), two of the commissioners, and others, subscribed to the said loan to the amount of $22,335.06, for which certificates of loan were issued by the Auditor General on the 8th July, 1842—

To George Rundle and John W. Ashmead, for	$4,605 00
Thomas M'Cully, for,	325 00
Andrew Benner, for	805 00
Thomas Clyde, Jr., for	3,265 00
Mathew Newkirk, for	10,000 00
Henry R. Brodhead, for	1,050 00
And on the 10th November, 1842, to John W. Ashmead and George Rundle, for	2,285 06
Amounting to	$22,335 06

No money was paid into the Treasury on these subscriptions, and consequently no warrants were drawn by me.

I have received from John W. Ashmead, Esq., one of the commissioners, the report of William Strickland, architect, exhibiting the details of the plan of the building, and the amount of work done under the contracts entered into by the commissioners, which is herewith transmitted.

DAVID R. PORTER.

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